

# FEDERAL REGISTER

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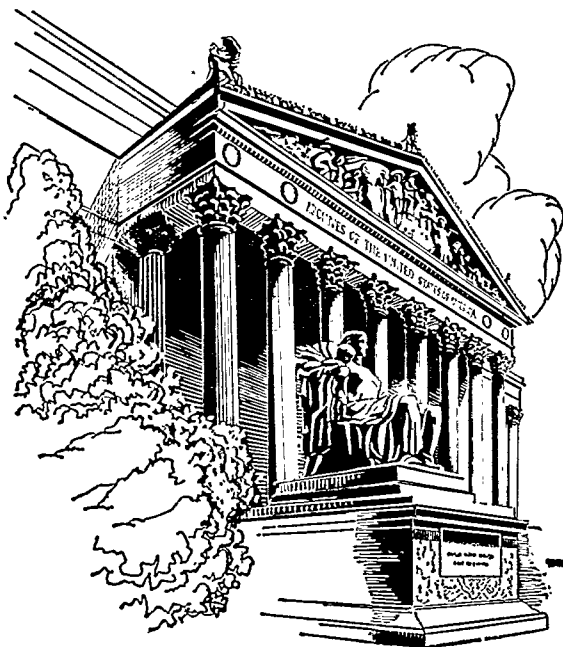
• Washington, D.C.

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Just Released

## CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1970)

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*[A Cumulative checklist of CFR issuances for 1970 appears in the first issue of the Federal Register each month under Title 1]*

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## Title 3—THE PRESIDENT

### Executive Order 11516

#### AMENDING EXECUTIVE ORDER NO. 11248, PLACING CERTAIN POSITIONS IN LEVELS IV AND V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, section 2 of Executive Order No. 11248<sup>1</sup> of October 10, 1965, as amended, placing certain positions in level V of the Federal Executive Salary Schedule, is further amended by deleting "(24) Director, Office of Minority Business Enterprise, Department of Commerce", and inserting in lieu thereof the following:

(24) Assistant to the Secretary, Department of Commerce.



THE WHITE HOUSE,  
March 19, 1970.

[F.R. Doc. 70-3504; Filed, Mar. 19, 1970; 4:48 p.m.]

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<sup>1</sup> 30 F.R. 12999; 3 CFR, 1964-1965 Comp., p. 349.



## Executive Order 11517

**PROVIDING FOR THE ISSUANCE AND SIGNATURE BY THE SECRETARY OF STATE OF WARRANTS APPOINTING AGENTS TO RETURN FUGITIVES FROM JUSTICE EXTRADITED TO THE UNITED STATES**

WHEREAS the President of the United States, under section 3192 of Title 18, United States Code, has been granted the power to take all necessary measures for the transportation, safekeeping and security against lawless violence of any person delivered by any foreign government to an agent of the United States for return to the United States for trial for any offense of which he is duly accused; and

WHEREAS fugitives from justice in the United States whose extradition from abroad has been requested by the Government of the United States and granted by a foreign government are to be returned in the custody of duly appointed agents in accordance with the provisions of section 3193 of Title 18, United States Code; and

WHEREAS such duly appointed agents under the provisions of the law mentioned above, being authorized to receive delivery of the fugitive in behalf of the United States and to convey him to the place of his trial, are given the powers of a marshal of the United States in the several districts of the United States through which it may be necessary for them to pass with such prisoner, so far as such power is requisite for the prisoner's safekeeping; and

WHEREAS such warrants serve as a certification to the foreign government delivering the fugitives to any other foreign country through which such agents may pass, and to authorities in the United States of the powers therein conferred upon the agents; and

WHEREAS it is desirable by delegation of functions heretofore performed by the President to simplify and thereby expedite the issuance of such warrants to agents in the interests of the prompt return of fugitives to the United States:

NOW, THEREFORE, by virtue of the authority vested in me by section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of State is hereby designated and empowered to issue and sign all warrants appointing agents to receive, in behalf of the United States, the delivery in extradition by a foreign government of any person accused of a crime committed within the United States, and to convey such person to the place of his trial.

SEC. 2. Agents appointed in accordance with section 1 of this order shall have all the powers conferred in respect of such agents by applicable treaties of the United States and by section 3193 of Title 18, United States Code, or by any other provisions of United States law.

SEC. 3. Executive Order No. 10347, April 18, 1952, as amended by Executive Order No. 11354, May 23, 1967, is further amended by deleting numbered paragraph 4 and renumbering paragraphs 5 and 6 as paragraphs 4 and 5, respectively.



THE WHITE HOUSE,  
March 19, 1970.

[F.R. Doc. 70-3505; Filed, Mar. 19, 1970; 4:48 p.m.]





**Executive Order 11518****PROVIDING FOR THE INCREASED REPRESENTATION OF THE INTERESTS OF SMALL BUSINESS CONCERNS BEFORE DEPARTMENTS AND AGENCIES OF THE UNITED STATES GOVERNMENT**

WHEREAS the policy of the Government of the United States is to insure the continuance of a strong and healthy free enterprise system; and

WHEREAS the existence of a strong and healthy free enterprise system is directly related to the well being and competitive strength of small business concerns and their opportunities for free entry into business, growth, and expansion; and

WHEREAS the departments and agencies of the United States Government exercise, through their regulatory and other programs and practices, a significant influence on the well being and competitive strength of business concerns, particularly minority-owned business concerns, and their opportunities for free entry into business, growth and expansion; and

WHEREAS members of minority groups traditionally have aspired to own their own businesses and thereby to participate in our free enterprise system; and

WHEREAS members of certain minority groups through no fault of their own have been denied the full opportunity to achieve these aspirations; and

WHEREAS the policy of the Executive Branch of the United States Government continues to be, as was described by President Dwight D. Eisenhower, "to strive to eliminate obstacles to the growth of small business"; and

WHEREAS the Small Business Act (72 Stat. 384, 15 U.S.C. 631) declares the Congressional policy that the United States Government should aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns; and

WHEREAS the Small Business Administration is the agency within the Executive Branch of the United States Government especially responsible for and with an established program of advocacy in matters relating to small business; and

WHEREAS section 8(b) (12) of the Small Business Act (72 Stat. 391, 15 U.S.C. 637(b) (12)) empowers the Small Business Administration to consult and cooperate with all Government agencies for the purpose of insuring that small business concerns receive fair and reasonable treatment from such agencies, and section 10(f) of that Act (72 Stat. 393, 15 U.S.C. 639(f)) requires each department and agency of the Federal Government, when requested by the Administrator of the Small Business Administration, to consult and cooperate with the Administration in the formulation by such department or agency of policies affecting small business concerns, in order to insure that small business interests will be recognized, protected, and preserved:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Small Business Act, it is ordered as follows:

SECTION 1. The Small Business Administration, as the spokesman for and advocate of the small business community, shall advise and counsel small business concerns in their dealings with the departments and agencies of the United States Government to the end that the views of small business concerns will be fully heard, their rights fully protected, and their valid interests fully advanced.

SEC. 2. Departments and agencies of the Executive Branch of the United States Government shall call upon the Small Business Administration for advice, guidance, and assistance when considering matters which reasonably can be construed as materially affecting the well being or competitive strength of small business concerns or their oppor-

tunities for free entry into business, growth, or expansion. In taking action on such matters, these departments and agencies shall act in a manner calculated to advance the valid interests of small business concerns.

SEC. 3. The Small Business Administration, whenever it determines that the valid interests of small business concerns so warrant, shall take such action as may be appropriate to insure the timely presentation to departments and agencies of the United States Government of matters materially affecting the well being or competitive strength of small business concerns or their opportunities for free entry into business, growth, or expansion. To this end, the Small Business Administration may participate in investigations, hearings, or other proceedings pending before such departments or agencies and submit evidence, briefs, and arguments in accordance with, and to the extent permitted by, the department's or agency's rules of practice and procedure.

SEC. 4. In performing the responsibilities and duties placed on it by this order, the Small Business Administration shall particularly consider the needs and interests of minority-owned small business concerns and of members of minority groups seeking entry into the business community.

SEC. 5. Nothing in this order shall be construed to authorize the Small Business Administration to act as an attorney for an individual concern in any investigation, hearing, or other proceeding pending before any department or agency of the United States Government. Nothing in this order shall be construed to subject any department or agency to the authority of any other department or agency, to affect the present authority of any department or agency to participate in the proceedings of another department or agency, or to affect the authority of the Attorney General under 28 U.S.C. 519.

SEC. 6. The term "small business concern" as used in this order shall have the same meaning as in the Small Business Act.



THE WHITE HOUSE,  
March 20, 1970.

[F.R. Doc. 70-3543; Filed, Mar. 20, 1970; 12:43 p.m.]

# Rules and Regulations

## Title 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Department of Health, Education, and Welfare

#### SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

#### PART 73—BIOLOGICAL PRODUCTS

#### Dating Periods and Proper Names

On March 20, 1969, a notice of rule making was published in the FEDERAL REGISTER (34 F.R. 5436-5440) proposing to amend § 73.86 of Part 73 of the Public Health Service Regulations to (1) list the dating periods for currently licensed biological products, including the addition of two recently licensed products, Measles-Smallpox Vaccine, Live, and Rh<sub>0</sub> (D) Immune Globulin (Human), (2) reflect proposed changes of proper names for licensed products prepared from Diphtheria Toxoid, Tetanus Toxoid, Pertussis Vaccine and Poliomyelitis Vaccine, and combinations of these products, and (3) make several editorial changes. Since publication of such notice, the Additional Standards for Rubella Virus Vaccine, Live, were published (34 F.R. 9072-9075) and the dating period for such product is included herein.

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 60 days after the date of their publication in the FEDERAL REGISTER.

Several comments were received pertaining to the listing for Plasma (Human) and Red Blood Cells (Human) in § 73.86. Invitation for comments on proposed additional standards for these two products was published in 34 F.R. 5177-5180 and a notice of extension of time for comments was published in 34 F.R. 8244. After consideration of all relevant comments, the amendments to Part 73 pertaining to Red Blood Cells (Human), including dating periods, were published separately. Such dating periods are incorporated herein. Pending complete review of the comments received pursuant to such notices pertaining to Plasma (Human), the listing for that product in § 73.86 is not set forth.

After consideration of all other relevant comments, the following amendments to Part 73 of the Public Health Service Regulations are hereby adopted to become effective 60 days after the date of publication in the FEDERAL REGISTER, except that changes in labeling necessitated by changes of proper names shall be effective when the manufacturer's current supply of labels has been exhausted or 1 year from the date

of publication of the amendment in the FEDERAL REGISTER, whichever date is earlier.

1. The proper names of the following products listed in § 73.86 are hereby revised as follows:

<i>Present proper names</i>	<i>Revised proper names</i>
1. a. Diphtheria Toxoid Alum Precipitated.....	Diphtheria Toxoid Adsorbed.
b. Diphtheria Toxoid Aluminum Hydroxide Adsorbed.	
c. Diphtheria Toxoid Aluminum Hydroxide Precipitated.	
d. Diphtheria Toxoid Aluminum Phosphate Adsorbed.	
2. Diphtheria and Tetanus Toxoids Combined.....	Diphtheria and Tetanus Toxoids.
3. a. Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed Combined.	Diphtheria and Tetanus Toxoids Adsorbed.
b. Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Precipitated.	
c. Diphtheria and Tetanus Toxoids Combined Alum Precipitated.	
d. Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.	
e. Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated.	
4. Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.	Diphtheria and Tetanus Toxoids and Pertussis Vaccine.
5. a. Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.	Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed.
b. Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.	
c. Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.	
d. Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipitated.	
e. Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.	
f. Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Hydroxide Precipitated.	
6. Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed.	Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Adsorbed.
7. a. Diphtheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine.	Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed and Poliomyelitis Vaccine.
b. Diphtheria and Tetanus Toxoids and Pertussis Vaccine Aluminum Phosphate Adsorbed and Poliomyelitis Vaccine.	
8. a. Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.	Diphtheria Toxoid and Pertussis Vaccine Adsorbed.
b. Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated.	
c. Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.	
d. Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.	
e. Diphtheria Toxoid Aluminum Phosphate Adsorbed and Pertussis Vaccine Combined.	
9. Diphtheria Toxoid and Pertussis Vaccine Combined...	Diphtheria Toxoid and Pertussis Vaccine.
10. Poliomyelitis Vaccine Aluminum Phosphate Adsorbed.	Poliomyelitis Vaccine Adsorbed.
11. a. Tetanus Toxoid Alum Precipitated.....	Tetanus Toxoid Adsorbed.
b. Tetanus Toxoid Aluminum Hydroxide Adsorbed.	
c. Tetanus Toxoid Aluminum Hydroxide Precipitated.	
d. Tetanus Toxoid Aluminum Phosphate Adsorbed.	
12. a. Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).	Tetanus and Diphtheria Toxoids Adsorbed (For Adult Use).
b. Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use).	
c. Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Precipitated (For Adult Use).	
d. Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use).	
13. Tetanus Toxoid and Pertussis Vaccine Combined....	Tetanus Toxoid and Pertussis Vaccine.

2. With the respective proper names so revised, with the list amended to reflect current dating periods for presently licensed products, and with several editorial changes, § 73.86 is amended to read as follows:

§ 73.86 Dating periods for specific products.

The following dating periods are based on data relating to usage, clinical experience or laboratory tests that establish the period beyond which the product cannot be expected beyond reasonable doubt to yield its specific results and retain its safety, purity, and potency, products.

Advised the product is maintained at the recommended temperatures. The standards prescribed by the regulations in this part, designed to insure continued safety, purity, and potency of the products, are based on the dating periods set forth below. Cold storage periods and temperatures prescribed in § 73.84 shall apply and outside labels shall recommend storage between 2° C. and 8° C., except when specifically provided otherwise. (Storage temperatures and storage periods are given in parentheses after the dating periods below when they differ from those specified in § 73.84.)

Adsorbed Anti-A Serum.....	One year.
Adenovirus and Influenza Virus Vaccines Combined Aluminum Hydroxide Adsorbed.	Six months (5° C., six months).
Combined Aluminum Phosphate Adsorbed.	Six months (5° C., six months).
Adenovirus Vaccine.....	Six months (5° C., six months).
Aggregated Radio-Iodinated (I <sup>131</sup> ) Albumin (Human).	Thirty days. § 73.84 does not apply.
Allergenic Extracts.....	With 50 percent or more glycerin, three years (5° C., three years). With less than 50 percent glycerin, eighteen months (5° C., eighteen months). Products for which cold storage conditions are inappropriate, eighteen months, provided labeling recommends storage at no warmer than 30° C. § 73.84 does not apply. Powders and tablets, five years, provided labeling recommends storage at no warmer than 30° C. § 73.84 does not apply. Freeze dried products, five years (5° C., three years).
Allergenic Extracts, Alum Precipitated.....	Eighteen months (5° C., eighteen months).
Anthrax Vaccine, Adsorbed.....	One year (5° C., two years). § 73.84 does not apply.
Anti-A Blood Grouping Serum.....	Liquid: One year. Dried: Five years.
Anti-A, B Blood Grouping Serum.....	Liquid: One year. Dried: Five years.
Anti-B Blood Grouping Serum.....	Liquid: One year. Dried: Five years.
Anti-D <sup>+</sup> Serum (Anti-Diego).....	One year.
Anti-Fy <sup>a</sup> Serum (Anti-Duffy).....	One year.
Anti-Fy <sup>b</sup> Serum.....	One year.
Anti-Gr (Vw) Serum.....	One year.
Antihemophilic Factor (Human).....	One year. § 73.84 does not apply.
Antihemophilic Globulin (Human).....	One year.
Antihemophilic Plasma (Human).....	Five years.
Anti-Hemophilus influenzae Type b Serum.	Liquid: Two years. Dried: Five years.
Anti-Human Chorionic Gonadotropic Serum.	One year. § 73.84 does not apply.

Anti-Human Serum.....	Liquid: One year. Dried: Five years.
Anti-I Serum.....	Two years.
Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test.	One year.
Anti-Jk <sup>a</sup> Serum (Anti-Kidd).....	One year.
Anti-Jk <sup>b</sup> Serum.....	One year.
Anti-Js <sup>a</sup> Serum (Anti-Sutter).....	One year.
Anti-k Serum (Anti-Celano).....	One year.
Anti-K Serum (Anti-Kell).....	One year.
Anti-Kp <sup>a</sup> Serum (Anti-Penney).....	One year.
Anti-Kp <sup>b</sup> and Anti-K Serum (Anti-Rautenberg and Anti-Kell).	One year.
Anti-Kp <sup>b</sup> Serum (Anti-Rautenberg).....	One year.
Anti-Le <sup>a</sup> Serum (Anti-Lewis).....	Liquid: One year. Dried: Five years.
Anti-Le <sup>b</sup> Serum.....	Liquid: One year. Dried: Five years.
Anti-Lu <sup>a</sup> Serum (Anti-Lutheran).....	One year.
Anti-M Serum.....	One year.
Anti-Ms Serum.....	One year.
Anti-Mi <sup>a</sup> Serum (Anti-Miltenberger).....	One year.
Anti-N Serum.....	One year.
Anti-P Serum.....	Two years.
Anthraxes.....	One year.
Anti-Rh Typing Serum, Anti-hr' (Anti-C).	One year.
Anti-Rh Typing Serum, Anti-hr' (Anti-e).	One year.
Anti-Rh Typing Serum, Anti-hr' (Anti-V).	One year.
Anti-Rh Typing Serum, Anti-rh' (Anti-C).	Liquid: One year. Dried: Five years.
Anti-Rh Typing Serum, Anti-rh' (Anti-E).	Liquid: One year. Dried: Five years.
Anti-Rh Typing Serum, Anti-Rh. (Anti-D).	Liquid: One year. Dried: Five years.
Anti-Rh Typing Serum, Anti-Rh. (Anti-CD).	Liquid: One year. Dried: Five years.
Anti-Rh Typing Serum, Anti-Rh. (Anti-DE).	One year.
Anti-Rh Typing Serum, Anti-Rh. rh' (Anti-CDE).	One year.
Anti-Rh Typing Serum, Anti-Rh. + 8% (Anti-D + D').	One year.
Anti-Rh Typing Serum, Anti-rh' (Anti-C').	One year.
Anti-rh' and Anti-K Serum (Anti-O <sup>+</sup> + Kell).	One year.
Anti-s Serum.....	Liquid: One year. Dried: Five years.
Anti-S Serum.....	One year.
Antivenin (Crotalidae) Polyvalent.....	Five years with an initial 10 percent excess of potency provided labeling recommends storage at no warmer than 37° C.
Antivenin (Latrodectus mactans).....	Five years with an initial 10 percent excess of potency.
Antivenin (Microtus fulvus).....	Five years with an initial 10 percent excess of potency.
Anti-U Serum (Anti-Ss).....	One year.
Anti-Wr <sup>a</sup> Serum (Anti-Wright).....	One year.

*B. histolyticus* Antitoxin..... Five years with an initial 20 percent excess of potency.

*B. oedematis* Antitoxin..... Five years with an initial 20 percent excess of potency.

*B. sordei* Antitoxin..... Five years with an initial 20 percent excess of potency.

BCG Vaccine..... Six months (5° C., one year).

Blastomycin..... Two years (5° C., one year).

Blood Group • Specific Substances A and B..... Two years.

Blood Group Specific Substance A..... Two years.

Blood Group Specific Substance B..... Two years.

Botulism Antitoxin..... Five years with an initial 20 percent excess of potency.

Chicken Pox Immune Serum (Human)..... *Liquid*: One year.  
*Dried*: Five years.

Cholera Vaccine..... Eighteen months (5° C., one year).

Cobra Venom with Silicic and Formic Acids..... Eighteen months (5° C., one year).

Cobra Venom Solution..... Eighteen months (5° C., one year).

Coccidioidin..... Eighteen months, provided labeling recommends storage at no warmer than 25° C. § 73.84 does not apply.

Collagenase..... *Liquid*: Five years with an initial 20 percent excess of potency.  
*Dried*: Five years with an initial 10 percent excess of potency.

Diphtheria Antitoxin..... Four months (5° C., two months).

Diphtheria and Tetanus Toxoids and Pertussis and Polymyositis Vaccines Adsorbed..... (a) Four months (5° C., two months).  
(b) One year, provided the pertussis and polymyositis components unmixed when issued (5° C., one year).

Diphtheria and Tetanus Toxoids and Pertussis Vaccine..... Eighteen months (5° C., one year).

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed..... Eighteen months (5° C., one year).

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed..... One year (5° C., one year).

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed..... Two years (5° C., one year).

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed..... Two years (5° C., one year).

Diphtheria Toxin for Schick Test..... One year (5° C., one year).

Diphtheria Toxoid..... Two years (5° C., one year).

Diphtheria Toxoid Adsorbed..... Two years (5° C., one year).

Diphtheria Toxoid and Pertussis Vaccine Adsorbed..... Eighteen months (5° C., one year).

Dysentery Antitoxin, Shiga..... Five years with an initial 20 percent excess of potency.

Equine Encephalomyelitis Vaccine (Eastern)..... One year.

Equine Encephalomyelitis Vaccine (Western)..... One year.

Fibrinogen (Human)..... Five years.

Fibrinogen with Anthemophilic Factor (Human)..... Five years.

Fibrinolysin (Human)..... Two years.

Fibrinolysin and Desoxyribonuclease Combined (Bovine)..... Three years, provided labeling recommends storage at no warmer than 30° C.

Fibrinolysin and Desoxyribonuclease Combined (Bovine) with Chloramphenical..... Three years, provided labeling recommends storage at no warmer than 30° C.

Gas Gangrene Polyvalent Antitoxin..... Five years with an initial 20 percent excess of potency.

*Haemophilus influenzae* Typing Serum..... One year.

Histamine Azoprotein..... Two years.

Histoplasmin..... Two years (5° C., one year).

Immune Serum Globulin (Human)..... Three years (5° C., three years).

Influenza Virus Hemagglutinating Antigen..... Two years (5° C., one year).

Influenza Virus Vaccine..... Eighteen months (5° C., one year).

Lymphogranuloma Venereum Antigen..... One year (5° C., one year).

Measles Immune Serum (Human)..... *Liquid*: One year.  
*Dried*: Five years.

Measles Immune Globulin (Human)..... Three years (5° C., three years).

Measles-Smallpox Vaccine, Live..... One year. § 73.84 does not apply.

Measles Virus Vaccine, Inactivated..... One year (5° C., one year).

Measles Virus Vaccine, Live, Attenuated..... One year. § 73.84 does not apply.

Modified Plasma (Bovine)..... Twenty months. § 73.84 does not apply.

Mumps Immune Serum (Human)..... *Liquid*: One year.  
*Dried*: Five years.

Mumps Immune Globulin (Human)..... Three years from date the dried or frozen bulk product is placed in final solution (5° C., three years).

Mumps Skin Test Antigen..... Eighteen months (5° C., one year).

Mumps Vaccine..... Eighteen months (5° C., one year).

Mumps Virus Vaccine, Live..... One year. § 73.84 does not apply.

Normal Bovine Serum..... Five years.

Normal Horse Serum..... *Liquid*: Three years provided product is maintained between 15° and 30° C., and labeling recommends storage between 15° and 30° C. § 73.84 does not apply.  
*Dried*: Seven years provided labeling recommends storage not above 37° C. § 73.84 does not apply.

Normal Human Plasma..... *Liquid*: Eighteen months.  
*Dried*: Five years.

Normal Human Serum..... *Frozen*: Three years, provided labeling recommends storage at no warmer than -18° C. § 73.84 does not apply.  
*Melted*: One year after the date of melting. § 73.84 does not apply.

Normal Rabbit Serum..... Five years.

Normal Serum Albumin (Human)..... (a) Five years, provided labeling recommends storage between 2° and 10° C. (5° C., three years).  
or  
(b) Three years, provided labeling recommends storage at room temperature, no warmer than 37° C. (5° C., three years).

Oxophenarsine Hydrochloride..... (c) Ten years, if in an hermetically sealed metal container and provided labeling recommends storage between 2° and 10° C. § 73.84 does not apply.

Pertingens Antitoxin..... Three years (5° C., one year).

Pertussis Immune Globulin (Human)..... Five years with an initial 20 percent excess of potency.

Pertussis Immune Globulin (Human)..... Three years from date the dried or frozen bulk product is placed in final solution (5° C., three years).

Reagent Blood Group Specific Substances A and B. Red Blood Cells (Human)	Two years.
(a) Twenty-one days from date of collection of source blood, provided labeling recommends storage between 1° and 10° C. and the hermetic seal is not broken during processing. § 73.84 does not apply.	
Twenty-four hours after plasma removal, provided labeling recommends storage between 1° and 10° C., if the hermetic seal is broken during processing. § 73.84 does not apply.	
(b) Frozen: Three years, provided labeling recommends storage at -65° C. or colder. Twenty-four hours after removal from storage at -65° C. or colder, provided labeling recommends storage between 1° and 10° C. § 73.84 does not apply.	
Resuspended Red Blood Cells (Human)	Ten days. § 73.84 does not apply.
Rh. (D) Immune Globulin (Human)	Six months (5° C., six months).
Rocky Mountain Spotted Fever Vaccine	Eighteen months (5° C., one year).
Rubella Virus Vaccine, Live	One year. § 73.84 does not apply.
Russell Viper Venom	Five years.
Scarlet Fever Immune Serum (Human)	Liquid: One year. Dried: Five years.
Scarlet Fever Streptococcus Toxin for Dick Test	One year (5° C., one year).
Scarlet Fever Streptococcus Toxin for Immunization	One year (5° C., one year).
Shik Test Control	One year (5° C., one year).
Single Donor Plasma (Human)	(a) Five years, provided labeling recommends storage at not above -18° C. § 73.84 does not apply. (b) If used in coagulation defects, one year, provided labeling recommends storage at not above -18° C. § 73.84 does not apply.
Smallpox Vaccine	Liquid: Three months, provided labeling recommends storage at no warmer than 0° C. (-10° C., nine months, if product is maintained as glycerinated or equivalent vaccine in bulk or final containers). Dried: Eighteen months (5° C., six months).
Staphylococcus Antitoxin	Five years with an initial 20 percent excess of potency.
Staphylococcus Toxoid	Two years (5° C., one year).
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus)	Eighteen months (5° C., one year).
Staphylococcus Toxoid and Bacterial Vaccine made from Staphylococcus (Aureus)	Eighteen months (5° C., one year).
Staphylococcus Toxoid, Streptococcus Toxin, and Bacterial Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), Pneumococcus, Hemophilus influenzae	One year (5° C., one year).
Streptococcus Erythrogenic Toxin	One year (5° C., one year).
Streptokinase	Eighteen months.
Streptokinase-Streptodornase	Dried: Two years (5° C., one year). Tablars: Eighteen months, provided labeling recommends storage at no warmer than 30° C. (5° C., six months).

Pertussis Immune Serum (Human)	Liquid: One year. Dried: Five years.
Pertussis Vaccine	Eighteen months (5° C., one year).
Plague Vaccine	Eighteen months (5° C., one year).
Plasma Protein Fraction (Human)	(a) Five years (5° C., one year). (b) Three years, provided labeling recommends storage at no warmer than 30° C. (5° C., one year).
Pneumococcus Typing Serum	One year.
Pollomyelitis Immune Globulin (Human)	Three years (5° C., three years).
Pollomyelitis Vaccine	One year (5° C., one year).
Pollomyelitis Vaccine Adsorbed	One year (5° C., one year).
Polliovirus Vaccine, Live, Oral, Trivalent	Frozen: One year, provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (-10° C., one year). Liquid: Thirty days, provided labeling recommends storage between 2° and 8° C. § 73.84 does not apply.
Polliovirus Vaccine, Live, Oral, Type I	Frozen: One year, provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (-10° C., one year). Liquid: Thirty days, provided labeling recommends storage between 2° and 8° C. § 73.84 does not apply.
Polliovirus Vaccine, Live, Oral, Type II	Frozen: One year, provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (-10° C., one year). Liquid: Thirty days, provided labeling recommends storage between 2° and 8° C. § 73.84 does not apply.
Polliovirus Vaccine, Live, Oral, Type III	Frozen: One year, provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (-10° C., one year). Liquid: Thirty days, provided labeling recommends storage between 2° and 8° C. § 73.84 does not apply.
Polyvalent bacterial antigens with "No U.S. Standard of Potency."	Liquid: Eighteen months (5° C., one year).
Polyvalent bacterial vaccines with "No U.S. Standard of Potency."	Dried: Five years (5° C., one year).
Polyvalent modified bacterial antigens with "No U.S. Standard of Potency."	Liquid: Eighteen months (5° C., one year).
Polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency."	Dried: Five years (5° C., one year).
Proflbrinolysin (Human)	Liquid: Eighteen months (5° C., one year).
Pseudomonas Polysaccharide	Two years.
Rabies Vaccine	Eighteen months.
Radio-Chromated (Cr <sup>51</sup> ) Serum Albumin (Human)	One year (5° C., one year).
Radio-Iodinated (I <sup>125</sup> ) Serum Albumin (Human)	Liquid: Six months (5° C., three months). Dried: Eighteen months.
Radio-Iodinated (I <sup>125</sup> ) Serum Albumin (Human)	Sixty days from the date chromium is added. § 73.84 does not apply.
Reagent Red Blood Cells (Human)	120 days from date iodination is completed. § 73.84 does not apply.
	Thirty days from date iodination is completed. § 73.84 does not apply.
	Twenty-one days. § 73.84 does not apply.

Tetanus and Diphtheria Toxoids Adsorbed (For Adult Use).	Two years (5° C., one year).
Tetanus and Gas Gangrene Polyvalent Antitoxin.	Five years with an initial 20 percent excess of potency.
Tetanus Immune Globulin (Human)-----	Three years with an initial 10 percent excess of potency (5° C., one year).
Tetanus Antitoxin-----	<i>Liquid</i> : Five years with an initial 20 percent excess of potency.
	<i>Dried</i> : Five years with an initial 10 percent excess of potency.
Tetanus Toxoid-----	Two years (5° C., one year).
Tetanus Toxoid Adsorbed-----	Two years (5° C., one year).
Tetanus Toxoid and Pertussis Vaccine-----	Eighteen months (5° C., one year).
Thrombin-----	Three years.
Trichinella Extract-----	Eighteen months (5° C., one year).
Tuberculin-----	<i>Old, concentrated</i> : Containing 50 percent glycerin, five years.
	<i>Old diluted</i> : One year.
	<i>Purified Protein Derivative, concentrated</i> : Two years containing 50 percent glycerin (5° C., one year).
	<i>Purified Protein Derivative, diluted</i> : One year. § 73.84 does not apply.
	<i>Purified Protein Derivative, dried</i> : Five years.
	<i>Old, dried on multiple puncture device</i> : Two years, provided labeling recommends storage at no warmer than 30° C. (30° C., one year).
Typhoid and Paratyphoid Vaccine-----	Eighteen months (5° C., one year).
Typhoid Vaccine-----	Eighteen months (5° C., one year).
Typhus Vaccine-----	Eighteen months (5° C., one year).
Vibron Septique Antitoxin-----	Five years with an initial 20 percent excess of potency.
	(a) ACD solution—Twenty-one days, provided labeling recommends storage between 1° and 10° C. § 73.84 does not apply.
Whole Blood (Human) collected in-----	(b) Heparin solution—Forty-eight hours, provided labeling recommends storage between 1° and 10° C. § 73.84 does not apply.
	(c) CPD solution—Twenty-one days, provided labeling recommends storage between 1° and 10° C. § 73.84 does not apply.
Yellow Fever Vaccine-----	One year, provided labeling recommends storage at no warmer than 5° C. (-20° C., one year).

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: February 5, 1970.

Approved: March 13, 1970.

ROBERT H. FINCH,  
Secretary.

ROBERT Q. MARSTON,  
Director, National Institutes of Health.

[F.R. Doc. 70-3384; Filed, Mar. 20, 1970; 8:45 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Post Office Department

Schedule A is amended to show that a special authority permitting the San Francisco Post Office to participate in an experimental work-training program for the severely disadvantaged is no longer current. Effective on publication in the FEDERAL REGISTER, subparagraph (13) of paragraph (a) of § 213.3111 is revoked. (5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[SEAL]

[F.R. Doc. 70-3446; Filed, Mar. 20, 1970; 8:48 a.m.]

## Title 46—SHIPPING

### Chapter II—Maritime Administration, Department of Commerce

#### SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 96, Rev., Amdt. 2]

#### PART 255—PAYMENTS FROM CAPITAL RESERVE FUND

##### Subpart A—Purchase or Reconstruction of Cargo Containers

###### ACCOUNTABILITY

Effective upon the date of publication hereof in the FEDERAL REGISTER, § 255.8 Accountability is hereby deleted from Subpart A of this part.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; sec. 607(b), 75 Stat. 570, as amended; 46 U.S.C. 1177(b))

Dated: March 13, 1970.

By order of the Maritime Administrator/Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 70-3405; Filed, Mar. 20, 1970; 8:45 a.m.]

## Title 7—AGRICULTURE

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

#### PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

##### Subpart—Proclamation, Determinations and Announcements of National Marketing Quotas and Referendum Results

###### MARKETING QUOTA REFERENDUM RESULTS

Sec.  
724.23 Fire-cured (types 21-24) tobacco—1970-71, 1971-72, and 1972-73 marketing years.  
724.24 Dark air-cured (types 35 and 36) tobacco—1970-71, 1971-72, and 1972-73 marketing years

AUTHORITY: §§ 724.23 and 724.24 issued under secs. 312, 375, 52 Stat. 46, as amended, 66, as amended; 7 U.S.C. 1312, 1375.

*Basis and purpose.* Sections 724.23 and 724.24 are issued pursuant to and in accordance with section 312 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the results of the Fire-cured (types 21-24) and Dark air-cured (types 35 and 36) tobacco marketing quota referenda for the three marketing years beginning October 1, 1970, October 1, 1971, and October 1, 1972. Under the provisions of the same section of the act, the Secretary proclaimed national marketing quotas for these kinds of tobacco for the 1970-71, 1971-72, and 1972-73 marketing years, and announced the amounts of the national marketing quotas for such kinds of tobacco for the 1970-71 marketing year (35 F.R. 2504). The Secretary announced (35 F.R. 2526) that referenda would be conducted by mail ballots during the period February 16 to 20, 1970, each inclusive, to determine whether Fire-cured (types 21-24) and Dark air-cured (types 35 and 36) tobacco producers were in favor of or opposed to marketing quotas for the three marketing years beginning October 1, 1970, October 1, 1971, and October 1, 1972. Since the only purpose of this document is to proclaim the results of the referenda, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of 5 U.S.C. 553 is unnecessary.

**§ 724.23 Fire-cured (types 21-24) tobacco—1970-71, 1971-72, and 1972-73 marketing years.**

In a referendum of farmers engaged in the production of the 1969 crop of Fire-cured (types 21-24) tobacco held during the period February 16 to 20, 1970, each inclusive, 12,767 farmers voted. Of those voting, 11,970 or 93.8 percent, favored quotas for a period of 3 years beginning October 1, 1970; 797 or 6.2 percent were opposed to quotas. Therefore, the national marketing quotas of 14,746 thousand pounds for Fire-cured (type 21) and 48.2 million pounds for Fire-cured (types 22-24) tobacco proclaimed January 30, 1970 (35 F.R. 2504) for the 1970-71 marketing year will be in effect for such year, and marketing quotas on such kinds of tobacco will be in effect for the 3 marketing years beginning October 1, 1970, October 1, 1971, and October 1, 1972.

**§ 724.24 Dark air-cured (types 35 and 36) tobacco—1970-71, 1971-72, and 1972-73 marketing years.**

In a referendum of farmers engaged in the production of the 1969 crop of Dark air-cured (types 35 and 36) tobacco held during the period February 16 to 20, 1970, each inclusive, 12,234 farmers voted. Of those voting, 11,404 or 93.2 percent, favored quotas for a period of 3 years beginning October 1, 1970; 830 or 6.8 percent were opposed to quotas. Therefore, the national marketing quota of 20.2 million pounds proclaimed January 30, 1970 (35 F.R. 2504) for this kind of tobacco for the 1970-71 marketing year will be in effect for such year, and marketing quotas on such kind of tobacco will be in effect for the 3 marketing years beginning October 1, 1970, October 1, 1971, and October 1, 1972.

Signed at Washington, D.C., on March 16, 1970.

KENNETH E. FRICK,  
*Administrator, Agricultural Sta-  
bilization and Conservation  
Service.*

[F.R. Doc. 70-3424; Filed, Mar. 20, 1970;  
8:46 a.m.]

**Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture**

[Lemon Reg. 419]

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

**§ 910.719 Lemon Regulation 419.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted

by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 17, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 22, 1970, through March 28, 1970, are hereby fixed as follows:

- (i) District 1: 8,370 cartons;
- (ii) District 2: 200,880 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 18, 1970.

PAUL A. NICHOLSON,  
*Deputy Director, Fruit and  
Vegetable Division, Consum-  
er and Marketing Service.*

[F.R. Doc. 70-3479; Filed, Mar. 20, 1970;  
8:49 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

#### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

##### Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in paragraph (e) (14) relating to the State of Oklahoma, subdivision (i) relating to Comanche County is deleted.

2. In § 76.2, paragraph (e) (6) relating to the State of Maryland is amended to read:

(6) *Maryland.* The adjacent portions of Wicomico and Worcester Counties bounded by a line beginning at the junction of U.S. Highway 13 and the Maryland-Delaware State line; thence, following the Maryland-Delaware State line in an easterly direction to the Pocomoke River (also the Wicomico-Worcester County line); thence, following the west bank of the Pocomoke River in a southerly direction to U.S. Highway 50; thence, following U.S. Highway 50 in a southeasterly direction to U.S. Highway 113; thence, following U.S. Highway 113 in a southerly direction to State Highway 376; thence, following State Highway 376 in a southeasterly direction to State Highway 611; thence, following State Highway 611 in a southwesterly direction to the South Point Road; thence, following the South Point Road in a southwesterly direction to Sinepuxent Bay; thence, following the coast line in a generally southwesterly direction along Sinepuxent, Newport, and Chincoteague Bays to State Highway 365 at Public Landing; thence, following State Highway 365 in a northwesterly direction to U.S. Highway 113; thence, following U.S. Highway 113 in a southwesterly direction to State Highway 12; thence, following State Highway 12 in a northwesterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a northeasterly direction to its junction with the Maryland-Delaware State line.

3. In § 76.2, paragraph (e) (16) relating to the State of South Carolina is amended to read:

(16) *South Carolina.* (i) That portion of Kershaw County bounded by a line beginning at the junction of U.S. Highway 601 and the west bank of the Wateree



River; thence, following U.S. Highway 601 in a generally southerly direction to Gillies Ditch; thence, following the north bank of Gillies Ditch in a southeasterly direction to the west bank of the Wateree River; thence, following the west bank of the Wateree River in a generally northwesterly direction to its junction with U.S. Highway 601.

(ii) That portion of Marion County bounded by a line beginning at the junction of the Lumber River and the Little Pee Dee River; thence, following the north bank of the Little Pee Dee River in a northwesterly direction to the Marion-Dillon County line; thence, following the Marion-Dillon County line in a northeasterly and southeasterly direction to the Lumber River; thence, following the west bank of the Lumber River in a southwesterly direction to its junction with the Little Pee Dee River.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 78 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

**Effective date.** The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Marion County, S.C., and portions of Wicomico and Worcester Counties in Maryland because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such counties.

The amendments also exclude Comanche County, Okla., from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the area excluded from quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of March 1970.

R. J. ANDERSON,  
*Acting Administrator,  
Agricultural Research Service.*

[F.R. Doc. 70-3453; Filed, Mar. 20, 1970;  
8:49 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 6737; Amdt. 39-960]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Hawker Siddeley Model DH 104 "Dove" Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive (AD) was adopted on February 3, 1970, and made effective immediately as to all known United States operators of Hawker Siddeley Model DH 104 "Dove" airplanes. The directive requires visual and X-ray inspections of the engine mounting frame structure, replacement or repair of structures found to be cracked or structurally defective, visual inspections of the engine mount pickup fittings, and replacement or repair of defective fittings. This directive supersedes AD 55-20-1, published in 21 F.R. 9538, and AD 65-20-2, Amendment 39-123.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of these airplanes by individual telegrams dated February 3, 1970. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

HAWKER SIDDELEY. Applies to Model DH 104 "Dove" airplanes.

Compliance is required as indicated.

(a) Within 25 hours' time in service after the effective date of this AD, visually inspect the tubular engine mounting structure, P/N 4EM201A and 4EM203A, for external evidence of internal corrosion (paint blistering, pin holes, etc.), cracks, or structural defects. (Particular attention should be given to the lower tubes and welded joints.) If any evidence of internal corrosion, cracks, or structural defects is found, before further flight comply with paragraph (c). If no evidence of internal corrosion, cracks, or structural defects is found, repeat the visual inspection within each 100 hours' time in service since the last inspection.

(b) Unless already accomplished within the last 2 years prior to the effective date of this AD, within the next 25 hours' time in service, and thereafter at intervals not to exceed 2 years since the last inspection, conduct an X-ray inspection of engine mounting frames serial numbers DHB/1 and subsequent, or prefixed by "DH/...", in-

cluding those frames incorporating MOD. PP. 225, in accordance with paragraph (c).

(c) Conduct an X-ray inspection in accordance with Hawker Siddeley Technical News Sheet CT (104) No. 190, Issue 1, dated August 24, 1964. If internal corrosion, cracks, or structural defects are found, before further flight replace or repair the engine mounting frame in accordance with de Havilland Division Factory-approved instructions or an equivalent approved by the Chief, Aircraft Certification Staff, FAA European Region. If no internal corrosion, cracks, or structural defects are found, the frame may be returned to service.

(d) Within 25 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 30 hours time in service since the last inspection, visually inspect the engine mount pickup fittings for loose rivets and structural defects. If loose rivets or structural defects are found, before further flight replace or repair in accordance with de Havilland Division Factory-approved Instructions Technical News Sheet CT (104) No. 49, dated February 2, 1951, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA European Region.

(e) Upon incorporation of Modification 524 (and repair R4W169), the 30-hour periodic inspection specified in paragraph (d) may be changed to inspections not to exceed 100-hour intervals.

(f) It is requested that notification in writing of the results, positive and negative, of all of the above required inspections be given the Chief, Engineering and Manufacturing Branch, Aeronautical Center, AC-210. (Reporting approved by the Bureau of the Budget under BOB No. 04-R0174.)

This supersedes AD 55-20-1, published in 21 F.R. 9538, and AD 65-20-2, Amendment 39-123.

This amendment is effective upon publication in the FEDERAL REGISTER as to all persons except those persons to whom it was made immediately effective by the telegram dated February 3, 1970, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 17, 1970.

R. S. SLIFF,  
*Acting Director,  
Flight Standards Service.*

[F.R. Doc. 70-3411; Filed, Mar. 20, 1970;  
8:46 a.m.]

[Airspace Docket No. 68-CE-81]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Control Zone and Transition Area; Correction

In F.R. Doc. 70-1869 on page 3029 in the issue of Saturday, February 14, 1970, in the 14th line of the Grandview, Mo., transition area description, the phrase reading "west edge of V12" should be corrected to read "east edge of V12".

Issued in Kansas City, Mo., on February 26, 1970.

JOHN A. HARGRAVE,  
*Acting Director, Central Region.*

[F.R. Doc. 70-3412; Filed, Mar. 20, 1970;  
8:46 a.m.]

[Airspace Docket No. 70-SO-26]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Alteration of Control Zone**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Beaufort, S.C., control zone.

The Beaufort control zone is described in § 71.171 (35 F.R. 2054) and is presently effective 24 hours per day. Since the control tower will begin operating from 0700 to 2300 hours, local time daily, effective April 2, 1970, and there are anticipated minor variations in the times of operations, it is necessary to alter the control zone to redesignate it as part-time.

Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0401 G.m.t., April 2, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Beaufort, S.C., control zone is amended as follows: " \* \* \* This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual \* \* \* " is added to the description.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 12, 1970.

JAMES G. ROGERS,  
Director, Southern Region.

[F.R. Doc. 70-3413; Filed, Mar. 20, 1970;  
8:46 a.m.]

# **Title 15—COMMERCE AND FOREIGN TRADE**

## **Chapter I—Bureau of the Census, Department of Commerce**

### **PART 30—FOREIGN TRADE STATISTICS**

#### **Elimination of Shipper's Export Declaration Requirements for Shipments to Most U.S. Possessions**

Pursuant to title 13, United States Code, section 302, the following amendment is made to the regulations published in the FEDERAL REGISTER on August 27, 1966 (31 F.R. 11368) (15 CFR Part 30). In accordance with administrative procedure, 5 U.S.C. 553, notice and hearing on these amendments and postponement of the effective date thereof are unnecessary because (1) the amendment is a change in the substantive rules which grant or recognize exemptions or relieve restrictions, and (2) is an interpretive rule and statement of policy.

**Effective date.** This amendment to the Foreign Trade Statistics Regulations is effective on the date of this publication.

1. Section 30.1(a) (2) (iii) is amended to read as follows:

§ 30.1 General statement of requirement for Shipper's Export Declarations.

(a) \* \* \*

(2) \* \* \*

(iii) To American Samoa and the Virgin Islands of the United States from the United States or Puerto Rico.

2. The reference to U.S. possessions immediately following § 30.1(a) (2) (iii) is moved to immediately follow the end of § 30.2(a).

3. Footnote 1 is amended to read:

<sup>1</sup> Shipper's Export Declarations are not required for shipments from the United States or Puerto Rico to the U.S. Possessions, except to American Samoa and the Virgin Islands of the United States, or from a U.S. Possession destined to the United States, Puerto Rico or another U.S. Possession.

4. Section 30.5(a) (2) is amended to read:

§ 30.5 Number of copies of Shipper's Export Declaration required.

(a) \* \* \*

(2) In duplicate for shipments, except by mail, where Canada is the final destination as known to the exporter at the time of exportation, and for shipments to nonforeign areas as required.

5. Section 30.20 is amended to read as follows:

§ 30.20 General statement of requirement for the filing of manifests and Shipper's Export Declarations by carriers.

Carriers transporting merchandise from the United States, Puerto Rico, or U.S. Possessions to foreign countries, from the United States or Puerto Rico to American Samoa or to the Virgin Islands of the United States; or between Puerto Rico and the United States, shall not be granted clearance, where clearance is required, and shall not depart, where clearance is not required, until manifests (for vessels, aircraft, and rail carriers) and Shipper's Export Declarations have been filed with the Customs Director as specified below, except as provided in § 30.24.

6. Section 30.24(a) (1) is amended to read as follows:

§ 30.24 Clearance or departure of carriers under bond on incomplete manifest or Shipper's Export Declarations.

(a) \* \* \*

(1) For shipments aboard a U.S.-flag carrier between the United States and Puerto Rico, or from the United States or Puerto Rico to American Samoa or the Virgin Islands of the United States, the condition of the bond shall be that a complete manifest (where a manifest is required) and all required Shipper's Export Declarations shall be filed by the

carrier not later than the seventh business day after departure.

7. Section 30.40 is amended to read as follows:

§ 30.40 Single declaration for multiple consignees.

As a further exception to the requirements of § 30.6, shippers are authorized, subject to the approval of the Customs Director, to file one Shipper's Export Declaration (in duplicate) for all shipments, other than those made to U.S. Government agencies, offices, establishments, or representatives of any of these, which are laden on one vessel or aircraft and destined to go to one port in Puerto Rico, American Samoa, the Virgin Islands of the United States, or the Canal Zone. For such shipments no consignee information need be furnished whether such shipments are made to one or several consignees.

8. Section 30.55(h) is amended to read as follows:

§ 30.55 Miscellaneous exemptions.

(h) Shipments (except shipments requiring a validated export license) between the United States and Puerto Rico, to American Samoa and the Virgin Islands of the United States, and to all countries except countries included in country groups S, W, Y, and Z, as defined in the Export Control Regulations of the Office of Export Control (Parts 368-399 of this title)<sup>9</sup> where the value of the commodities classified under a single Schedule B number and shipped on the same exporting carrier from one exporter to one importer is \$250 or under: *Provided, however,* That this exemption shall be conditioned upon the filing of such reports as the Bureau of the Census shall periodically require to compile statistics on \$250 and under shipments.

ROBERT F. DRURY,  
Acting Director,  
Bureau of the Census.

I concur: February 19, 1970.

EUGENE T. ROSSIDES,  
Assistant Secretary.

[F.R. Doc. 70-3429; Filed, Mar. 20, 1970;  
8:47 a.m.]

## **Chapter III—Bureau of International Commerce, Department of Commerce**

### **SUBCHAPTER B—EXPORT REGULATIONS**

[12th Gen. Rev. of the Export Regs.  
(Amdt. 13)]

### **MISCELLANEOUS AMENDMENTS TO CHAPTER**

Parts 372, 373, 377, and 386 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective date: March 19, 1970.

RAUER H. MEYER,  
Director, Office of Export Control.

# PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

## § 372.4 [Amended]

In § 372.4 *How to apply for a validated license*, the following Note is added at the end of § 372.4(a) (5):

NOTE: *Voluntary acknowledgement receipt postal card.* The Office of Export Control does not acknowledge receipt of applications for licenses to export since almost all applications are processed within a matter of days after receipt. However, exporters who desire acknowledgement of an application's receipt, may submit with an application, a self-addressed stamped postal card. This postal card should be attached to the application and accompanying documents, with a paper clip (not stapled), and should be visible on top of all the submitted material. The Office of Export Control will place the receipt date and the case number on the postal card and send it to the applicant by return mail. No other acknowledgement of receipt will be made.

# PART 373—SPECIAL LICENSING PROCEDURES

In § 373.5 paragraphs (b) (2), (d) (4), and (g) are amended to read as follows:

## § 373.5 Periodic requirements (PRL) license.

(b) *Commodities subject to PRL licensing procedure.* \* \* \*

(2) An application may cover as much as 1 year's estimated requirements of the named consignee(s) for the commodities included in the application. The PRL Commodity Groups are:

- Group E-1—Rubber products.
- Group E-2—Aircraft.
- Group E-3—Plastics.
- Group E-4—Petroleum products.
- Group E-5—Refractories.
- Group E-6—Electrical machinery and apparatus.
- Group E-7—Metals and minerals, crude and semifinished.
- Group E-8—Metals and minerals, mill products and manufactured products.
- Group E-9—General industrial equipment.
- Group E-10—Power generating machinery.
- Group E-11—Construction equipment.
- Group E-12—Petroleum equipment.
- Group E-13—Industrial inorganic chemicals.
- Group E-14—Organic chemicals.
- Group E-15—Agricultural machinery.

(d) *Application for a PRL license.* \* \* \*

(4) The quantity of the commodities included in the application shall not exceed an estimated 1 year's requirements. Total quantities and values shall be shown, but breakdown among consignees is not required. If no unit of quantity is indicated in the Commodity Control List for the commodity, only the value need be given on the application.

(g) *Amendments.* The licensee may request an increase in the quantity or

value authorized for export under the license at any time during the validity of the license, using Form IA-763, Request for and Notice of Amendment Action (see Supplement S-4 for facsimile of form), in accordance with the provisions of § 372.11 of this subchapter. Extension of the validity period of a PRL license will not be granted. A new license application shall be filed for such purpose.

## PART 377—SHORT SUPPLY CONTROLS

In § 377.3 paragraphs (b) and (e) (1) are amended to read as follows:

## § 377.3 Copper and copper products.

(b) *Copper and copper-base alloy waste and certain nickel scrap*—(1) *Scope.* The following commodities are subject to the provisions of this § 377.3 (b):

### Export Control Commodity Number and Commodity Description

- 28200 Iron and steel scrap containing 20 percent (by weight) or more copper, including scrap melted into crude forms.
- 28401 Copper bearing ash and residues.
- 28402 Copper or copper-base alloy waste and scrap.
- 28403 Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.
- 68212 Refined copper fragments (made by chopping, shredding, or otherwise fragmenting copper wire, tubing, etc.) and unwrought forms of refined copper derived from such fragments.

(2) *Shipments not commercially processable in the United States.* An application for a license to export any of the commodities described in subparagraph (1) of this paragraph that, for any technological or economic reason, cannot be processed commercially in the United States will be considered for licensing without a charge against the copper export quota. If the reason is technological the application shall be accompanied by (i) a copy(ies) of a letter(s) received by the applicant from a recognized scrap processor(s) who has declined to process the scrap described on the application and (ii) the documentation required by paragraph (a) (2) of this section. If the reason is economic, the application shall include a statement detailing such reason.

(3) *Other shipments*—(i) *General.* Commodities described in subparagraph (1) of this paragraph, that cannot be licensed under subparagraph (2) of this paragraph, will be considered for licensing under the Past Participation in Exports method (see § 377.2). To qualify as a historical exporter, an exporter shall submit a statement, setting forth the quantity (in copper content pounds) and total dollar value, by country of ultimate destination, that he exported:

(a) To all destinations except Canada during calendar year 1964 and during each of the first three quarters of calendar year 1965, as well as the grand total

for this period January 1, 1964, through September 30, 1965; and

(b) To Canada during each of the last two quarters of calendar year 1966 and the first two quarters of calendar year 1967, as well as the grand total for this period July 1, 1966, through June 30, 1967.

However the statement shall not include either the types of shipments covered by § 377.2(c) (2), or those not commercially processable in the United States as explained above. An export license application for commodities covered by this § 377.3(b) shall be submitted in accordance with subdivision (ii), (iii), or (iv) of this subparagraph.

(ii) *Nonhistorical exporter.* An exporter who has not submitted a statement of past participation in exports, or who does not otherwise qualify as a historical exporter, shall submit an application and obtain an individual validated license. The license application shall (a) identify the foreign consumer in the manner explained in paragraph (a) (2) (iii) of this section; and (b) for an export to the Republic of Vietnam, regardless of value, be supported by a single transaction statement, Form FC-842, endorsed by the designated representative of the U.S. Agency for International Development Mission, Saigon, as set forth in paragraph (a) (2) (iv) of this section.

(iii) *Historical exporter.* An exporter who has been informed, in writing, by the Office of Export Control that he qualifies as a historical exporter may apply for and obtain a Bulk Quota License (see subdivision (iv) of this subparagraph).

(iv) *Bulk Quota License*—(a) *Definition.* A Bulk Quota License is a validated license authorizing the export by a historical exporter of his total share of the quota established for a short supply commodity to approved ultimate consignees.

(b) *License application.* Each application for a Bulk Quota License, shall include:

(1) Form FC-420, Application Processing Card, prepared in accordance with § 372.4(a) (5) of this subchapter, except that "Bulk Quota License" shall be entered in the Export Control Commodity Number space.

(2) Form FC-419, Application for Export License, prepared in accordance with Supplement No. 1 to Part 372 of this subchapter, except:

(i) Enter "Bulk Quota License," as well as the date, under "Date of Application."

(ii) Enter, in copper content pounds, the exporter's total quota for all commodities in subparagraph (1) of this paragraph under "Quantity to be Shipped." (The Office of Export Control will inform him of his quota in time for him to complete his application.)

(iii) Enter "copper scrap" under "Commodity Description." Thus the application covers any or all of the commodities in subparagraph (1) of this paragraph.

(iv) Enter only the processing number under "Export Control Commodity Number and Processing Number." Omit the commodity number.

(v) Where there is more than one ultimate consignee, write "see attached list"

in the space "Ultimate Consignee in Foreign Country" and attach to the application a list of the names and addresses of all proposed ultimate consignees.

(vi) Enter the following certification concerning consignee documentation (see (3) of this subdivision (iv) (b)) in the "Additional Information" space or on an attachment:

I (We) certify that a currently valid (insert name(s) of the supporting consignee document(s) as appropriate in accordance with paragraph (3) below) is on file with the Office of Export Control for each ultimate consignee covered by this application, except (enter either "none" or the names of ultimate consignee for whom new documentation is attached to the application).

(3) Appropriate documentation for each proposed consignee, either currently valid and on file with the Office of Export Control or furnished for approval with the application, as follows:

(i) Except as provided in (ii) and (iii) of this subdivision (iv) (b) (3), a multiple transactions statement, Form FC-843.

(ii) For a consignee in Switzerland or Yugoslavia, a Swiss Blue Import Certificate or Yugoslav End-Use Certificate. Where a currently valid certificate is on file with the Office of Export Control, the application shall include the certification(s) set forth in §§ 375.3(a) (1) and 375.4(a) (1) of this subchapter.

(iii) For a consignee in the Republic of Vietnam, a single transaction statement, Form FC-842, endorsed by the designated representative of the U.S. Agency for International Development Mission, Saigon, as set forth in paragraph (a) (2) (iv) of this section. Where a currently valid statement is on file with the Office of Export Control, the application shall include the certification set forth in § 375.2(i) (3) of this subchapter.

(c) *Consignee quantity restrictions.* The total quantity that may be shipped to any consignee in Switzerland, Yugoslavia, or the Republic of Vietnam, is limited to the quantity shown on the Swiss Blue Import Certificate, Yugoslav End-Use Certificate, or Single Transaction Statement from that consignee.

(d) *Export license.* The license will be validated and bear the identifying words "Bulk Quota License" below the validation stamp. The list of approved ultimate consignees will also be validated, attached to and become a part of the license.

(e) *Validity period.* Each license will be valid for the quota period to which it applies plus 3 additional calendar months.

(f) *Export clearance—(1) Notification to Customs Offices.* The Office of Export Control will notify all Customs Offices of the issuance of a Bulk Quota License, including the names and addresses of ultimate consignees, within 15 calendar days after the issuance of license. An exporter should not plan to clear exports earlier unless he verifies that the notification has reached Customs. The license need not be filed with the Customs Office, but the licensee shall, on demand, show to the Customs Officer either the original or photocopy of the license.

(2) *Tolerance.* In addition to the quantity licensed, a shipping tolerance of five percent of the total quantity licensed is allowed as set forth in § 386.7(e) of this subchapter.

(3) *Shipper's Export Declaration.* The Shipper's Export Declaration shall be prepared according to standard instructions and presented to the Customs Officer or Postmaster at the place of export. Both the gross weight of the copper scrap and the copper content pounds shall be given. Although the license refers only to "copper scrap," the commodity description on the Declaration shall be specific, conforming to the applicable Commodity Control List description, and incorporating any additional information required by Schedule B, such as type, size, or name of specific commodity. The Schedule B Number shall also be included.

(g) *Reports.* The exporter shall furnish the Office of Export Control, no later than the 15th of each month, a report on all exports made during the preceding month under his Bulk Quota License. As a minimum, the report shall include the license number and, for each commodity exported, the full description as shown on the Commodity Control List, the Export Control Commodity Number, quantity exported in both copper content pounds and gross amount, date of shipment, and name and address of ultimate consignee. The report shall be sent to the Office of Export Control

(Attention: 862), U.S. Department of Commerce, Washington, D.C. 20230.

(e) *Semifabricated copper products and master alloys of copper—(1) Scope.* As used in this § 377.3(e), the term "semi-fabricated copper products and master alloys of copper" includes:

Export Control Commodity Number and Commodity Description	
51470	Master alloys of copper containing 8 percent or more phosphor.
68213	Master alloys of copper.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222	Plates, sheets, and strips (including perforated) of copper or copper-base alloy.
68223	Copper foil.
68224	Copper or copper alloy powders and flakes.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
69892	Copper or copper-base alloy castings and forgings.
72310	Wire and cable coated with or insulated with fluorocarbon polymers or copolymers.
72310	Communications cable, as follows: (a) Submarine cable; (b) coaxial cable using a mineral insulator dielectric; or (c) coaxial cable using a dielectric aired by discs, beads, spiral screw, or any other means.
72310	Other communications or coaxial cable.
72310	Other copper or copper-base alloy insulated wire and cable.

Supplement No. 1 to Part 377 is amended to read as follows:

#### Supplement No. 1—Commodities Subject to Short Supply Quota Controls

Export control commodity No.	Commodity description	Export control regulations reference	Submission dates for license applications (no later than date shown below)	
			Nonhistorical applicants	Historical applicants
28200	Iron and steel scrap containing 20 percent (by weight) or more copper, including scrap melted into crude forms.	377.3(b)	February 13, 1970.	June 1, 1970.
28311	Copper ores and concentrates	377.3(a)	Anytime.	Anytime.
28312	Copper matte	377.3(a)	.....do.....	Do.
28401	Copper metalliferous ash and residues	377.3(b)	February 13, 1970.	June 1, 1970.
28402	Copper or copper-base alloy waste and scrap, including copper-base alloy waste and scrap of less than 40 percent copper content where copper is the component of chief weight.	377.3(b)	.....do.....	Do.
28403	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.	377.3(b)	.....do.....	Do.
51470	Master alloys of copper containing 8 percent or more phosphor.	377.3(e)	Anytime.	Anytime.
68211	Blister copper and other unrefined copper	377.3(a)	.....do.....	Do.
68212	Refined copper of domestic origin, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars and other crude forms other than (a) refined copper fragments (made by chopping, shredding, or otherwise fragmenting copper wire, tubing, etc.) and (b) unwrought forms of refined copper derived from such copper fragments.	377.3(e)	February 13, 1970.	June 1, 1970.
68212	Copper-base alloy ingots composed of copper with one or more other metals, for example: beryllium copper ingots, devaria alloy ingots, guinea alloy ingots, ounce metal ingots, etc.	377.3(e)	.....do.....	Do.
68212	Refined copper fragments (made by chopping, shredding, or otherwise fragmenting copper wire, tubing, etc.) and unwrought forms of refined copper derived from such fragments.	377.3(b)	.....do.....	Do.
68213	Master alloys of copper	377.3(d)	Anytime.	Anytime.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.	377.3(e)	.....do.....	Do.
68222	Plates, sheets, and strips (including perforated) of copper or copper-base alloy.	377.3(e)	.....do.....	Do.
68223	Copper foil.	377.3(e)	.....do.....	Do.
68224	Copper or copper alloy powders and flakes.	377.3(e)	.....do.....	Do.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.	377.3(e)	.....do.....	Do.
69892	Copper or copper-base alloy castings and forgings.	377.3(e)	.....do.....	Do.

Export control commodity No.	Commodity description	Export control regulations reference	Submission dates for license applications (no later than date shown below)	
			Nonhistorical applicants	Historical applicants
72310	Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.	377.3(e)	-----do-----	Do.
72310	Communications cable, as follows: (a) Submarine cable; (b) coaxial cable using a mineral insulator dielectric; or (c) coaxial cable using a dielectric aired by discs, beads, spiral screw, or any other means.	377.3(e)	-----do-----	Do.
72310	Other communications or coaxial cable.	377.3(e)	-----do-----	Do.
72310	Other copper or copper-base alloy insulated wire and cable.	377.3(e)	-----do-----	Do.

## PART 386—EXPORT CLEARANCE

In § 386.3, a new paragraph (x) is established to read as follows:

### § 386.3 Shipper's Export Declaration.

(x) *Summary monthly reports in lieu of individual Shipper's Export Declarations*—(1) *Scope*. An alternate procedure for reporting exports to Canada and to Country Groups T, V, and X is established under which qualified exporters may be authorized to file at the end of each month typewritten or handwritten. Shipper's Summary Export Declarations (Form 7525-M), or computer tapes compatible with equipment of the Bureau of the Census, punched cards, etc., in lieu of individual Shipper's Export Declarations. Details of the new procedure are set forth in § 30.39 of this title of the Foreign Trade Statistics Regulations of the Bureau of the Census. Exporters interested in the procedure should consult § 30.39 of this title to ascertain qualifications, how to apply for the privilege of participating, how to file a monthly report after approval is given, and other pertinent facts. This § 386.3(x) contains only basic information about the procedure plus specific requirements relating exclusively to export controls.

(2) *Certification required in application*. A request for the privilege of participating should be forwarded to the Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233, with a copy to the Office of Export Control (Attention: 852), Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230. It shall include a certification by the exporter as follows:

I (We) certify that I (we) have established adequate internal procedures and safeguards to assure compliance with the requirements set forth in the U.S. Department of Commerce Export Control Regulations and Foreign Trade Statistics. Among other things, these procedures and safeguards assure:

- (i) A proper determination as to whether a validated license is required for a particular export;
- (ii) Actual receipt of the validated license, if required, before the shipment is exported;
- (iii) Compliance with all the terms of the validated license or general license, as applicable;
- (iv) Return of validated licenses to the Office of Export Control, as provided in § 386.3(x) (7);
- (v) Compliance with the destination control statement provisions of § 386.6;

(vi) Compliance with the prohibition against export transactions that involve parties who have been denied U.S. export privileges;

(vii) Compliance with the recordkeeping requirements of § 387.11; and in addition, I (we) agree that my (our) office records will be made available for inspection by the Bureau of the Census, the Office of Export Control, or the Bureau of Customs, upon request, to verify that a given shipment was properly included in a particular monthly report.

(3) *Exporter's agent*. Where the exporter intends to authorize a forwarding agent to file monthly reports on his behalf, the exporter's request shall include the name and address of each such forwarding agent.

(4) *Authorization by Census to use monthly reporting procedure*. Authorization to file monthly reports in lieu of individual Declarations under this procedure will be granted by the Bureau of the Census with the concurrence of the Office of Export Control.

(5) *Validated license*. Persons or firms authorized to file monthly reports in lieu of individual Declarations need not file validated licenses or amendments with the customs office or post office, except on demand. Instead, the licensee or his forwarding agent shall sign the license on the reverse side as provided in § 386.2(b) (1), fill in the information required by subparagraph (6) of this paragraph, and hold it until time to return it to the Office of Export Control as required by subparagraph (7) of this paragraph.

(6) *Recording shipment on the reverse side of Export License (Form FC-623)*—(i) *General*. The licensee or his forwarding agent shall record each shipment on the reverse side of the Export License (see Supplement S-3, page 2, for facsimile) as explained below, and include a statement that shipments were made under the "Monthly Shipper's Export Declaration procedure."

(a) "Quantity": Enter total quantity shipped in units shown on the license, including any amounts shipped under the tolerance provisions of § 386.7;

(b) "Description": Enter Export Control Commodity Number and an abbreviated description of the commodity as shown on the license. Where the license covers two or more commodities, indicate clearly which commodity(ies) is being shipped;

(c) "Value": Enter total value of the commodities (selling price, or cost if not sold, including inland freight, insurance,

and other costs to U.S. port of export, to the nearest whole dollar);

(d) "Name of exporting carrier": Enter name of vessel or airline on which shipment is exported. If other type of transportation is used, specify—e.g., truck, ferry, rail;

(e) "Port of exit or post office of mailing": Enter the name of the port from which the shipment leaves the United States or the post office where the shipment is mailed;

(f) "Date": Enter date the shipment leaves the United States (if exact date not known, enter approximate date); and

(g) "Customs officer or postmaster": Enter the initials of the person recording the shipment data.

(ii) *Export Clearance Continuation Sheet*. If the reverse side of the export license is filled before shipments are completed, further shipments shall be recorded on Form FC-557, Export Clearance Continuation Sheet (see Supplement S-24 for facsimile).<sup>1</sup> Continuation sheets shall be affixed to the license and numbered consecutively, and the export license number shall be entered in the "License No." space. Continuation sheets become part of the license and shall be returned with the license to the Office of Export Control as provided in subparagraph (7) of this paragraph.

(iii) *Periodic Requirements (PRL) License*. Shipments under a Periodic Requirements License shall be recorded in accordance with the terms of the license. For example, if the license breaks down quantity and/or value by Export Control Commodity Number, records shall be kept according to Export Control Commodity Number. If the consignee list shows quantities or values for individual consignees, shipments shall be recorded accordingly. In the absence of any of these breakdowns, shipment data shall be recorded as provided in this § 386.3 (x) (6).

(7) *Return of licenses*. Validated export licenses shall be returned to the Office of Export Control promptly after shipment is completed, or when no further shipments are to be made, or when the license has been revoked or canceled, or has expired.

(8) *Export clearance*—(i) *Destination control statement*. In addition to his responsibility for assuring that the proper destination control statement is placed on the commercial invoice as required by § 386.6, the exporter or his forwarding agent is responsible for assuring that the carrier places the proper destination control statement on the related bill of lading.

(ii) *Detention and examination*. Shipments being reported under this procedure are subject to detention and examination, as provided in § 386.9 whenever the customs office or postmaster deems such action necessary to

<sup>1</sup> Form FC-557 may be obtained from all U.S. Department of Commerce field offices (see list on page 1 under Field Office Addresses) and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.



assure compliance with the Export Control Regulations.

(9) *Revocation of authorization.* An authorization to file monthly reports in lieu of individual Declarations, granted under § 30.39 of this title of the Foreign Trade Statistics Regulations and this § 386.3(x), may be revoked, suspended, or revised at any time.

(10) *Effect of other provisions.* Insofar as consistent with the provisions of this § 386.3(x) which related specifically to filing monthly reports in lieu of individual Declarations, the other provisions of this Part 386 shall apply to exports reported under this procedure.

In § 386.7(b), subparagraph (2) is amended to read as follows:

**§ 386.7 Shipping tolerance.**

(b) *Amount of tolerance allowed.*\*\*\*

(2) *Five percent tolerance.* A shipping tolerance of 5 percent is allowed on the unshipped balance specified on a validated export license or customs release for shipments of all of the commodities listed below except 28401 (1st item only), 28402, and 28403 for which the 5 percent applies to the total amount licensed as explained more fully in paragraph (e) of this section.

*Export Control Commodity Number and Commodity Description*

28200	Alloy steel scrap containing 5 percent or more nickel by weight.
28311	Copper ores and concentrates.
28312	Copper matte.
28401	Copper bearing ash and residues.
28401	Nickel bearing residues and dross.
28402	Copper or copper-base alloy waste and scrap.
28403	Other nickel or nickel alloy waste and scrap.
51369	Nickel oxide.
51470	Nickel sulphate.
51470	Master alloys of copper containing 8 percent or more phosphor.
67150	Ferronickel containing 90 percent or less nickel.
68211	Blister copper and other unrefined copper.
68212	Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.
68212	Copper-base alloy ingots.
68213	Master alloys of copper.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222	Plates, sheets, and strips of copper or copper-base alloy.
68223	Copper or copper alloy foil, including paper-backed.
68224	Copper and copper alloy powders and flakes.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
68226	Tube and pipe fittings of copper or copper-base alloy.
68310	Nickel based magnetic materials, unwrought.
68310	Other nickel or nickel alloys, unwrought.
68324	Nickel or nickel alloy electroplating anodes.
69892	Copper or copper-base alloy articles: (a) fabricated anodes, and (b) cores (mold inserts).
69892	Copper or copper-base alloy castings and forgings.
72310	Wire and cable coated with or insulated with fluorocarbon polymers or copolymers.

- 72310 Communications cable, as follows:  
(a) Submarine cable; (b) coaxial cable using a mineral insulator dielectric; or (c) coaxial cable using a dielectric aired by discs, beads, spiral screw, or any other means.
- 72310 Other communications or coaxial cable.
- 72310 Other copper or copper-base alloy insulated wire and cable.

\* \* \* \* \*

[F.R. Doc. 70-3360; Filed, Mar. 20, 1970; 8:45 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### S-(O,O-Diisopropyl Phosphorodithioate) of N-(2-Mercaptoethyl)Benzenesulfonamide

A petition (PP 9F0852) was filed with the Food and Drug Administration by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of tolerances for negligible residues of the herbicide S-(O,O-diisopropyl phosphorodithioate) of N-(2-mercaptoethyl) benzenesulfonamide including its oxygen analog S-(O,O-diisopropyl phosphorodithioate) of N-(2-mercaptoethyl) benzenesulfonamide in or on the raw agricultural commodity groups fruiting vegetables and leafy vegetables at 0.1 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. (Since "leafy vegetables" includes lettuce, "lettuce" is deleted from § 120.241 as revised herein.) Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.241 is revised to read as follows:

**§ 120.241 S-(O,O-Diisopropyl phosphorodithioate) of N-(2-mercaptoethyl) benzenesulfonamide; tolerances for residues.**

Tolerances are established for negligible residues of the herbicide S-(O,O-diisopropyl phosphorodithioate) of N-(2-mercaptoethyl) benzenesulfonamide including its oxygen analog S-(O,O-diisopropyl phosphorodithioate) of N-(2-mercaptoethyl) benzenesulfonamide in or on the raw agricultural commodities cottonseed, cucumbers, fruiting vegetables,

leafy vegetables, melons, pumpkins, and summer squash at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 9, 1970.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-3426; Filed, Mar. 20, 1970; 8:47 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 101—Federal Property Management Regulations

#### SUBCHAPTER E—SUPPLY AND PROCUREMENT

#### PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

##### Use of GSA Supply Sources by Grantees and Contractors

Policies and procedures are provided regarding the use of GSA supply sources<sup>2</sup> by grantees of Federal agencies and by contractors and subcontractors performing Government contracts.

1. The table of contents for Part 101-26 is amended by adding the following new entries:

##### Subpart 101-26.7—Use of GSA Supply Sources by Grantees and Contractors

Sec.	
101-26.700	Scope of subpart.
101-26.701	Applicability.
101-26.702	Policy on use of GSA supply sources.
101-26.703	Agency determinations.
101-26.704	Agency authorizations.
101-26.705	Distribution and termination of authorizations.
101-26.706	Orders under GSA contracts.
101-26.707	Acquisition of GSA stock.
101-26.708	Furnishing information to grantees or contractors.
101-26.709	Payment for items or services received.

Subparts 101-26.8—101-26.47 [Reserved]

2. Paragraph (c) of § 101-26.000 is revised to read as follows:

**§ 101-26.000 Scope of part.**

(c) Included as eligible to buy from GSA sources are certain civilian and military commissaries and nonappropriated fund activities, generally buying for their own use but not for resale, except as authorized by the individual Federal agency and concurred in by GSA. Subject to the basic policy requirements set forth in Subpart 101-26.7, Federal agencies may authorize the use of GSA supply sources by grantees and contractors.

3. Part 101-26 is amended by adding new Subpart 101-26.7 and reserving Subparts 101-26.8—101-26.47, as follows:

**Subpart 101-26.7—Use of GSA Supply Sources by Grantees and Contractors**

**§ 101-26.700 Scope of subpart.**

This subpart prescribes policies and procedures regarding the use of GSA supply sources by grantees of Federal agencies, and by contractors in performing cost-reimbursement and other types of negotiated contracts where a substantial dollar portion of such Government contracts is of a cost-reimbursement nature. "Grantees" and "contractors," as used in this Subpart 101-26.7, include subgrantees (delegate grantees) and sub-contractors, respectively, engaged in the performance of work directly related to the primary grant program or, pursuant to the provisions of Subpart 1-5.9, in the performance of cost-reimbursement contracts. "GSA supply sources," as used in this subpart, include GSA supply depots, GSA self-service stores, Federal Supply Schedules, and other programs of the Federal Supply Service such as providing automatic data processing equipment, supplies, and services.

**§ 101-26.701 Applicability.**

The provisions of this subpart are applicable to all executive agencies. Other Government agencies involved in similar programs may and are encouraged to use these provisions.

**§ 101-26.702 Policy on use of GSA supply sources.**

Agencies may authorize grantees to use GSA supply sources, providing the agency administering or controlling the grant determines such use is in the best interest of the Government and is not prohibited by law. Contractors shall be authorized to use GSA supply sources in accordance with the provisions of Subpart 1-5.9.

**§ 101-26.703 Agency determinations.**

Determination to authorize Federal grantees and contractors to use GSA supply sources should be based upon consideration of at least the following factors:

(a) The administrative cost of placing orders or requisitions with Govern-

ment sources and the program impact of delay factors, if any;

(b) Lower cost of purchased items;

(c) Suitability of items available through GSA supply sources;

(d) Delivery factors such as cost and time; and

(e) Recommendations of Federal grantees and contractors.

**§ 101-26.704 Agency authorizations.**

Authorizations to grantees and contractors to use GSA supply sources shall be in writing and shall contain such limitations or conditions as the agency considers necessary in the public interest. Grantees and contractors shall also be instructed that supplies and services, procured through GSA sources shall be confined to use in connection with performance under Federal grants or contracts.

(a) If determined that an authorization to use GSA supply sources should be issued, some of the limitations or conditions that an agency may choose to include in its authorizations are:

(1) Authorize purchases from GSA supply sources of any overhead supplies, but no production supplies; or

(2) Limit any authorization requirement to use GSA sources to a specific dollar amount; or

(3) Restrict the authorization to certain plants and facilities or specific contract work.

(b) Each authorization issued shall:

(1) Identify the grant(s) or cite the contract(s) involved;

(2) Whenever practicable, contain a limit upon the period of effectiveness of the authorization (usually expressed as a specific expiration date);

(3) Provide that pertinent policies and procedures in the Federal Property Management Regulations (FPMR) are applicable to the grantee or contractor in the same degree as specified therein to the Federal agency making the grant. For example, the use of the Federal Standard Requisitioning and Issue Procedure (FEDSTRIP), including the use of address and billing codes, as provided in Subpart 101-26.2, would be applicable in connection with acquisition of material from GSA; and

(4) Provide that title vest in or be retained by the Government when determined to be in the best interest of the Government.

**§ 101-26.705 Distribution and termination of authorizations.**

Copies of each authorization shall be forwarded to the General Services Administration, Federal Supply Service, Supply Management Services Division—FFS, Washington, D.C. 20406, and to the Federal Supply Service of the GSA regional office serving the geographical area in which the facilities of the authorized grantee or contractor are located. Notice shall be furnished promptly to these offices by the authorizing agency whenever an authorization is withdrawn prior to the expiration of the established period of effectiveness or upon termination of a grant or contract for which an authorization has been issued without

limitation. The notification shall be in writing and shall:

(a) Identify the grant or cite the number of the contract involved; and

(b) Contain the effective date of withdrawal of the authorization which, in case of the termination of a grant or contract for which an indefinite authorization was previously issued, shall be not later than the date of the termination of the grant or contract.

**§ 101-26.706 Orders under GSA contracts.**

(a) Orders placed by grantees or contractors under Federal Supply Schedule contracts or GSA term contracts shall be placed in accordance with the provisions of the applicable grant or contract and the authorization issued to the grantee or contractor. Orders so placed may be accepted by a GSA contractor under the optional use provisions of the Federal Supply Schedule pursuant to § 101-26.401-5. Each order shall be accompanied by a copy of the authorization (unless a copy was previously furnished to the contractor) and shall contain a statement as follows:

This order is placed pursuant to written authorization from \_\_\_\_\_ dated \_\_\_\_\_, (1-\_\_\_\_\_). In the event of any inconsistency between the terms and conditions of this order and those of your contract, the latter will govern.

(b) In the event a Federal Supply Schedule (or GSA term contract) contractor refuses to honor an order placed by a grantee or contractor in accordance with the agency authorization pursuant to this subpart, the authorizing agency, grantee, or contractor shall promptly report the facts and circumstances to General Services Administration, Federal Supply Service, Supply Management Services Division—FFS, Washington, D.C. 20406.

**§ 101-26.707 Acquisition of GSA stock.**

(a) Requisitions placed by grantees or contractors for GSA stock shall be placed in accordance with the authorization, using the FEDSTRIP format in accordance with the provisions of Subpart 101-26.2. Each requisition shall include the FEDSTRIP address codes assigned by the Federal Supply Service of the appropriate GSA regional office.

(b) Authorized grantees or contractors may obtain GSA stock items from GSA self-service stores by use of a self-service store shopping plate. Such shopping plates may be obtained from the Federal Supply Service or the appropriate GSA regional office. The FEDSTRIP address code of the authorized grantee or contractor furnished by GSA will be embossed by GSA into the shopping plate, together with other significant data.

**§ 101-26.708 Furnishing information to grantees or contractors.**

Agencies shall advise grantees and contractors which have been authorized

<sup>1</sup>Insert "a copy of which is attached," or "a copy of which you have on file," or other suitable language, as appropriate.

to use GSA supply sources to obtain GSA publications such as pertinent Federal Supply Schedules, GSA stock catalogs, and the FEDSTRIP Operating Guide from or through any GSA regional office.

**§ 101-26.709 Payment for items or services received.**

Bills for GSA stock are not rendered by GSA until after shipment has been made. Receipt of billing is construed as sufficient evidence of delivery to establish liability and make payment. Accordingly, agencies should direct their grantees and contractors to make payment promptly upon receipt of billing.

**Subparts 101-26.8—101-26.47**

[Reserved]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: March 13, 1970.

ROD KREGER,  
Acting Administrator of  
General Services.

[F.R. Doc. 70-3402; Filed, Mar. 20, 1970;  
8:45 a.m.]

**SUBCHAPTER H—UTILIZATION AND DISPOSAL  
REPORTS OF EXCESS AUTOMATIC  
DATA PROCESSING EQUIPMENT,  
AND ACTIONS BY SECRETARY OF  
HEALTH, EDUCATION, AND  
WELFARE**

This amendment revises § 101-43.4901 (c) to provide that excess automatic data processing equipment will be reported to the Federal Supply Service rather than to the Property Management and Disposal Service. The amendment also eliminates material from the current § 101-44.301(b), makes editorial changes in § 101-44.301(c), and adds a new § 101-44.301(d) which provides standards for several situations. If the standards are affirmatively demonstrated and made a matter of record, the responsibility for actions in such situations will be that of the Secretary of Health, Education, and Welfare without objection by the Administrator of General Services.

**PART 101-43—UTILIZATION OF  
PERSONAL PROPERTY**

**Subpart 101-43.49—Illustrations**

Section 101-43.4901(c) is revised as follows:

**§ 101-43.4901 Excess personal property reporting requirements.**

(c) Automatic data processing equipment covered by § 101-43.313-5, whether such equipment falls within group 74 or otherwise, will be reported in the manner set forth in § 101-43.313-5 to the General Services Administration, Federal Supply Service, Office of Automated Data Management Services—

FTR, Washington, D.C. 20406, rather than to a General Services Administration regional office.

**PART 101-44—DONATION OF  
PERSONAL PROPERTY**

**Subpart 101-44.3—Donation for Educational, Public Health, and Civil Defense, Including Research or Public Airport Purposes**

Section 101-44.301 is revised as follows:

**§ 101-44.301 Authority and responsibility.**

(b) The Department of Health, Education, and Welfare will supervise the care and handling of surplus property while it is in the custody of a State agency for surplus property, pending its disposition to eligible donees.

(c) Pursuant to the provisions of section 203(k) (2) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(k) (2)), the Administrator of General Services, except as provided in § 101-44.301(d), will be provided an opportunity to disapprove, within 30 days after notice, any of the following actions proposed to be taken by the Secretary of Health, Education, and Welfare with respect to personal property donated for educational or public health purposes, or the Secretary of Defense with respect to personal property donated for civil defense purposes, which had a unit acquisition cost of \$2,500 or more, and on which the terms, conditions, reservations, or restrictions, as stipulated in the transfer instrument by which the property was acquired, have not expired:

(1) The enforcement of compliance with the terms and conditions under which property was transferred for donation;

(2) The correction or amendment of instruments by which transfers were made; and

(3) The granting of releases from terms and conditions contained in such instruments and the release of any interest reserved to the United States by such instruments.

(d) In the case of personal property donated for educational or public health purposes, the Administrator of General Services interposes no objection to actions taken by the Secretary of Health, Education, and Welfare with respect to the authorities and responsibilities set forth in § 101-44.301(c) (1) through (3) in the following situations, provided that the conditions pertinent to each situation have been affirmatively demonstrated to the satisfaction of the Secretary of Health, Education, and Welfare, and have been made a matter of record:

(1) *Secondary utilization or cannibalization.* Secondary utilization or cannibalization may be accomplished provided that:

(i) Disassembly of the item for use of its component parts for secondary use

or repair and maintenance of a similar item has greater potential benefit than utilization of the item in its existing form;

(ii) Items approved for disassembly or cannibalization will remain under the period of restriction imposed by the transfer document pending completion of the proposed secondary use or cannibalization; and

(iii) A written report of such action is made by the donee to the State agency for surplus property, including a list of all components resulting from the secondary utilization or cannibalization which have a single item acquisition cost of \$2,500 or more. These components will remain under the restrictions imposed by the transfer document. Components with a single item acquisition cost of less than \$2,500 will be released from the restrictions imposed by the transfer document. However, these components will continue to be used or be otherwise disposed of in accordance with applicable law and regulations.

(2) *Trade-in of an item on a similar replacement.* An item of donated personal property may be traded in or used as whole or part payment for another like item of property provided:

(i) The item being traded in is not, when the request is made, in compliance status for violation of the restrictions placed on it;

(ii) The item being traded in has been used by the donee for eligible purposes for at least one-half of the period of restriction, and it has been demonstrated that the trade-in will result in increased utilization value to the donee;

(iii) The trade-in is on a one-for-one basis only, i.e., one donated item being traded for one like item having similar potential use value;

(iv) The item being acquired has an estimated market value at least equal to the estimated market value of the item being traded in; and

(v) The item acquired is made subject to the period of restriction remaining on the item traded in.

(3) *Abrogation.* Except in cases involving the failure to use or the misuse of donated property, abrogation of restrictions imposed in the transfer instrument may be authorized upon payment to the United States of an amount representing the fair market value at the time of donation less a credit for the period the property was used for the purpose for which donated, and provided that the Secretary of Health, Education, and Welfare determines that such action will not result in a windfall revenue to the donee.

(4) *Revision of the acquisition cost.* The acquisition cost of an item may be revised provided that the request therefor is made in writing by the donee, and it is determined that the listed acquisition cost is unrealistic in view of its research and development costs or incompleteness due to missing parts.

(5) *Destruction and abandonment.* A donated item of personal property may be destroyed or abandoned when it is determined that the item has no commercial value or the estimated cost of its



continued care and handling would exceed the estimated proceeds from its sale. The determination shall be based on a finding made in writing by the State agency for surplus property and approved by the Secretary of Health, Education, and Welfare.

(6) *Enforcement of compliance.* Actions to enforce the terms and conditions of transfer of donated property, or remedy breaches of such terms and conditions, may be authorized in the following situations:

(i) When payment is made to the Government of any and all fair rental values due and payable to the Government for any unauthorized use of donated property;

(ii) When payment is made to the Government of either the fair market value or gross proceeds of sale, whichever is in the best interest of the Government, for the unauthorized disposal or destruction of donated property; or

(iii) When title to donated property is reverted to the Government. Custody and accountability of such reverted property are the responsibilities of the Department of Health, Education, and Welfare.

(7) *Reduction in the period of restriction.* Provided an item of donated property is not in compliance status, a reduction in the period of restriction may be authorized when a revised standard covering the period of restriction is promulgated.

(8) *Limitations.* The provisions of this § 101-44.301(d) are not applicable to donated military-type aircraft.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: March 13, 1970.

ROD KREGER,  
Acting Administrator  
of General Services.

[F.R. Doc. 70-3403; Filed, Mar. 20, 1970;  
8:45 a.m.]

## Title 49—TRANSPORTATION

### Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1-31]

#### PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

The purpose of this amendment is to revise Part 1 of the Regulations of the Office of the Secretary to reflect certain organizational changes, including the establishment of the National Highway Safety Bureau as a separate operating administration within the Department, and to change the name of the part to be more responsive to its contents.

This revision contains a statement of the basic organization of the Department, the organization of the Office of the Secretary, and a consolidated listing of all delegations from the Secretary to other officials of the Department.

Since this amendment relates only to the internal management of the Department, notice and public procedure thereon are not required and the amendment can be made effective in less than 30 days.

In consideration of the foregoing, effective March 22, 1970, Part 1 of Title 49, Code of Federal Regulations is amended to read as set forth below.

Issued in Washington, D.C., on March 18, 1970.

JOHN A. VOLPE,  
Secretary of Transportation.

#### Subpart A—General

- Sec. 1.1 Purpose.
- 1.2 Definitions.
- 1.3 Organization of the Department.
- 1.4 General responsibilities.

#### Subpart B—Office of the Secretary

- 1.21 Purpose.
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- 1.58 Delegations to Assistant Secretary for Public Affairs.
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- 1.60 Delegations to Assistant Secretary for Administration.
- 1.61 Saving provision.

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#### Subpart A—General

##### § 1.1 Purpose.

This part describes the organization of the Department of Transportation and provides for the performance of duties imposed, and the exercise of powers vested, in the Secretary of Transportation by law.

##### § 1.2 Definitions.

As used in this part, "Administrator" includes—

(a) The Commandant of the Coast Guard.

(b) The Federal Aviation Administrator.

(c) The Federal Highway Administrator.

(d) The Federal Railroad Administrator.

(e) The Urban Mass Transportation Administrator.

(f) The Administrator of the St. Lawrence Seaway Development Corporation.

(g) The Director of the National Highway Safety Bureau.

#### § 1.3 Organization of the Department.

(a) The Secretary of Transportation is the head of the Department.

(b) The Department is composed of the Office of the Secretary, the National Transportation Safety Board, and the following operating administrations:

(1) The U.S. Coast Guard, headed by the Commandant.

(2) The Federal Aviation Administration, headed by the Administrator.

(3) The Federal Highway Administration, headed by the Administrator.

(4) The Federal Railroad Administration, headed by the Administrator.

(5) The Urban Mass Transportation Administration, headed by the Administrator.

(6) The St. Lawrence Seaway Development Corporation, headed by the Administrator.

(7) The National Highway Safety Bureau, headed by the Director.

(c) The Administrator of each operating administration reports directly to the Secretary.

#### § 1.4 General responsibilities.

(a) *Office of the Secretary.* Provides for—

(1) Leadership in formulating and executing well-balanced national and international transportation objectives, policies, and programs;

(2) Stimulating and promoting research and development in all modes and types of transportation, with special emphasis on transportation safety;

(3) Coordinating the various transportation programs of the Federal Government;

(4) Encouraging maximum private development of transportation services;

(5) Responsive, timely, and effective liaison with Congress, and public and private organizations on transportation matters;

(6) Innovative approaches to urban transportation and environmental enhancement programs; and

(7) Effective management of the Department as a whole.

(b) *U.S. Coast Guard.* Is responsible for—

(1) Upon the high seas and waters subject to the jurisdiction of the United States—

(i) Enforcing or assistance in enforcing applicable Federal laws;

(ii) Administering laws and promulgating and enforcing regulations for promoting safety of life and property, covering all matters not specifically delegated by law to some other executive department or reserved to the States;

(iii) Developing, establishing, maintaining, and operating, with due regard to the requirements of national defense, aids to navigation, icebreaking facilities, and rescue facilities for promoting safety; and

(2) Maintaining a state of readiness to function as a specialized service in the Navy, in time of war or when the President shall direct, as provided in section 3 of title 14, United States Code.

(c) *The Federal Aviation Administration*. Is responsible for—

(1) Promulgating and enforcing regulations on all safety matters relating to the manufacture, operation, and maintenance of aircraft;

(2) Registering aircraft and recording rights in aircraft;

(3) Developing, modifying, testing, and evaluating systems, procedures, facilities, and devices needed for the safe and efficient navigation and traffic control of aircraft;

(4) Providing leadership and direction for the design and development of a commercial supersonic transport aircraft;

(5) Locating, constructing or installing, maintaining, and operating Federal aids to air navigation, wherever necessary;

(6) Developing air traffic regulations, and administering air traffic control of civil and military air operations within U.S. airspace;

(7) Providing grants-in-aid for developing public airports; and

(8) Promoting and encouraging civil aviation abroad through technical aviation assistance to other governments.

(d) *The Federal Highway Administration*. Is responsible for—

(1) Planning, in cooperation with the States, the national highway system;

(2) Providing for improving, in cooperation with the States, roads on the Federal-aid primary, secondary, and interstate highway systems and urban extensions thereof;

(3) Highway beautification and scenic enhancement of the Federal-aid highway systems;

(4) Surveying and constructing forest highway system roads, defense highways and access roads, and parkways and roads in national parks and other federally administered areas;

(5) Inspecting records of motor carriers operating in interstate commerce, inspecting motor carrier vehicles, and investigating accidents and reporting violations of motor carrier safety regulations; and

(6) Developing and administering uniform State standards for highway safety programs with respect to identification and surveillance of accident locations; highway design, construction, and maintenance, including highway related aspects of pedestrian safety; and traffic control devices.

(e) *The Federal Railroad Administration*. Is responsible for—

(1) Operating and managing the Alaska Railroad;

(2) Conducting research and development activity in support of improved rail transportation;

(3) Regulating safety functions pertaining to railroads, express companies, and water carriers operating in connection with railroads under a common control, management, or arrangement for continuous carriage or shipment;

(4) Regulating safety functions pertaining to pipelines, except water and natural gas; and

(5) Investigating and issuing reports concerning collisions, derailments, and other railroad accidents resulting in serious injury to persons or to the property of a railroad.

(f) *The Urban Mass Transportation Administration*. Is responsible for—

(1) Exercising the authority vested in the Secretary for developing comprehensive and coordinated mass transportation systems to serve metropolitan and other urban areas;

(2) Administering urban mass transportation programs and functions; and

(3) Assuring appropriate liaison and coordination with other governmental organizations, with respect to the foregoing.

(g) *The St. Lawrence Seaway Development Corporation*. Is responsible for maintaining and operating in U.S. territory deepwater navigation works in the 46-mile International Rapids section of the St. Lawrence River, lying between Ogdensburg and St. Regis, N.Y., and in the 68-mile Thousand Island section lying between Ogdensburg and Lake Ontario.

(h) *The National Highway Safety Bureau*. Is responsible for—

(1) Promulgating uniform standards for developing State highway safety programs, except for those standards the development and administration of which are delegated to the Federal Highway Administration.

(2) Establishing, prescribing, and enforcing National standards for improving safety in the operation and performance of motor vehicles and equipment.

(i) *The National Transportation Safety Board*. The Board is an entity within the Department, but has its own statutory responsibilities and executive authority. It is responsible for—

(1) Investigating accidents involving civil aircraft occurring in the United States and its territories, determining the probable cause of those accidents, making public reports on accidents and their causes, making safety recommendations intended to prevent similar occurrences, and ascertaining what will best tend to reduce or eliminate the possibility of aircraft accidents;

(2) Investigating, on its own motion (except marine accidents) or participating in and reviewing investigations conducted by Administrators within the Department, accidents involving rail, highway, marine, and pipelines and making recommendations to the Secretary or Administrators that will tend to prevent transportation accidents and promote transportation safety; and

(3) Conducting formal proceedings for review on appeal of the suspension, amendment, modification, revocation, or denial of any certificate or license is-

sued by the Secretary or an Administrator.

## Subpart B—Office of the Secretary

### § 1.21 Purpose.

This subpart establishes the basic organizational structure, spheres of primary responsibility, and lines of authority in the Office of the Secretary. It also describes the relationships between the Office of the Secretary and the operating administrations, and provides for succession to the position of Secretary in case of need.

### § 1.22 Scope.

The provisions of this subpart do not apply to the National Transportation Safety Board.

### § 1.23 Structure.

The structure of the Office of the Secretary through the level of functional offices is as follows:

(a) *Secretary*. The Secretary and Under Secretary are assisted by the Deputy Under Secretary, the Executive Secretariat, Contract Appeals Board, and the Departmental Office of Civil Rights, all of which report to the Secretary. The National Transportation Safety Board performs its functions in the Department of Transportation independently of the Secretary. The Assistant Secretaries and the General Counsel report directly to the Secretary.

(b) *Deputy Under Secretary*. The Office of Planning and Program Review and the Office of Budget report to the Deputy Under Secretary.

(c) *Office of the Assistant Secretary for Policy and International Affairs*. This Office is composed of the Offices of Systems Requirements, Plans and Information; Policy Review and Coordination; Economic Studies and Projects; International Transportation Policy and Programs; International Cooperation; and Facilitation, and the Auto Insurance and Compensation Study Group.

(d) *Office of the Assistant Secretary for Environment and Urban Systems*. This office is composed of the Offices for Program Coordination; Environmental and Urban Research; Special Projects; and Community Relations.

(e) *Office of the Assistant Secretary for Systems Development and Technology*. This office is composed of the Offices of Research and Development Policy; Plans and Programs, Noise Abatement; Civil Aviation; Telecommunications; Hazardous Materials; and Pipeline Safety.

(f) *Office of the Assistant Secretary for Public Affairs*. This office is composed of the Office of Congressional Relations; Public Information; Government Liaison; and Industry and Labor Liaison.

(g) *Office of the General Counsel*. This office is composed of the Offices of Operations and Legal Counsel; Regulation; Litigation; and Legislation.

(h) *Office of Assistant Secretary for Administration*. This office is composed of the Offices of Personnel and Training; Management Systems; Administrative Operations; Investigations and Security; Logistics and Procurement

Management; Audit; and Emergency Transportation.

**§ 1.24 Spheres of primary responsibility.**

(a) *Secretary and Under Secretary with the assistance of Deputy Under Secretary.* Overall planning, direction, and control of Departmental affairs, including specifically civil rights, programing, and budgeting.

(b) *Assistant Secretary for Policy and International Affairs.* Domestic and international transportation policies, objectives, and systems; transportation facilitation; international technological cooperation; technical assistance to developing countries; comprehensive transportation data and information system.

(c) *Assistant Secretary for Environment and Urban Systems.* Environmental and overall urban transportation needs, goals, and policies; innovative approaches to urban transportation and environmental enhancement programs; and catalyst for the translation of these programs into balanced and responsive transportation systems.

(d) *Assistant Secretary for Systems Development and Technology.* Scientific and technological research and development advancing transportation capability as to its safety, effectiveness, economy, and viability; technological input to development of transportation policy; abatement of noise generated by transportation equipment; telecommunications; regulation of the transportation of hazardous materials; regulation of the transportation of natural and other toxic gas by pipeline.

(e) *Assistant Secretary for Public Affairs.* Congressional relations; public information; and departmental relations with other Federal agencies, State and local governments, industry, labor, and the general public.

(f) *General Counsel.* Legal services as the chief legal officer of the Department, legal advisor to the Secretary and the Office of the Secretary, and final authority within the Department on questions of law; professional supervision, including coordination and review, over the legal work of the legal offices of the Department; drafting of legislation and review of legal aspects of legislative matters; exercise of functions, powers, and duties as a Judge Advocate General under the Uniform Code of Military Justice (Chapter 47 of title 10, United States Code) with respect to the U.S. Coast Guard; advice and assistance with respect to uniform time matters; promotion and coordination of efficient use of departmental legal resources; recommendation, in conjunction with the Assistant Secretary for Administration, of legal career development programs within the Department.

(g) *Assistant Secretary for Administration.* Organization; delegations of authority; management studies; personnel management; training; logistics and procurement policy; accounting and data systems design; paperwork management; management information; investigations and security; audit; adminis-

trative support services for the Office of the Secretary and certain other components of the Department; and emergency transportation.

(h) *Executive Secretariat.* Central facilitative staff for the Immediate Office of the Secretary and the Secretarial Offices.

(i) *Contract Appeals Board.* Hearings and decisions on appeals from decisions of departmental contracting officers and on claims for extraordinary relief under Public Law 85-804.

(j) *Departmental Office of Civil Rights.* DOT Director of Equal Employment Opportunity; Contracts Compliance Officer; Title VI (Civil Rights Act of 1964) Coordinator; Department-wide compliance with related laws, Executive orders, regulations, and policies; and formal complaints of discrimination.

**§ 1.25 Authority.**

(a) The Under Secretary may exercise the authority of the Secretary, except where specifically limited by law, order, regulation, or instructions of the Secretary.

(b) The Deputy Under Secretary is authorized to act for the Secretary and the Under Secretary in respect to the Immediate Office of the Secretary and to represent the Secretary and the Under Secretary in matters assigned by them.

(c) Acting in his own name and title, each Assistant Secretary or the General Counsel, within his sphere of responsibility, is authorized to identify and define the requirements for, and to recommend to the Secretary, new or revised departmental policies, plans, and proposals. Each of these officers is authorized to issue departmental standards, criteria, systems, and procedures that are consistent with applicable laws, Executive orders, Government-wide regulations and policies established by the Secretary, and to inspect, review, and evaluate departmental program performance and effectiveness and advise the Secretary regarding the adequacy thereof.

(d) Except for nondelegable statutory duties, including those which devolve as a result of succession to the Office of the Secretary, each Deputy Assistant Secretary and the Deputy General Counsel is authorized to act for and perform the duties of his principal in the absence or disability of the principal and as otherwise directed by the principal.

**§ 1.26 Relationships.**

(a) *Normal staff role.* Normally, the functions of the Assistant Secretaries are staff and advisory in nature. In performing their functions, the Assistant Secretaries are responsible for continuing liaison and coordination among themselves and with the operating administrations to (1) avoid unnecessary duplication of effort by or conflict with the performance of similar activities by the operating administrations and the other Assistant Secretaries pursuant to their Secretarial delegations of authority, and (2) assure that the views of the operating administrations are considered in developing Departmental policies, plans, and proposals. The Assistant Secretaries are

also available to assist, as appropriate, the operating administrations in implementing Departmental policy and programs. As primary staff advisors to the Secretary, the Assistant Secretaries are concerned with transportation matters of the broadest scope, including modal, intermodal, and other matters of Secretarial interest.

(b) *Exceptions.* There are exceptions to the normal staff role described in paragraph (a) of this section. In selected instances, the Secretary has specifically delegated to Assistant Secretaries authority which they may exercise on his behalf. For example, the Secretary has delegated authority to the Assistant Secretary for Policy and International Affairs to decide on most requests to intervene or appear before administrative agencies, subject to the concurrence of the General Counsel. Also, from time to time, activities of an operational character may be delegated to an Assistant Secretary when the nature of the function or its stage of development makes it untimely to effect assignment to an administration.

**§ 1.27 Secretarial succession.**

The following officials, in the order indicated, shall act as Secretary of Transportation, in case of the absence or disability of the Secretary, until the absence or disability ceases, or in case of a vacancy in the office of the Secretary, until a successor is appointed:

- (a) Under Secretary.
- (b) Assistant Secretary for Policy and International Affairs.
- (c) Assistant Secretary for Environment and Urban Systems.
- (d) Assistant Secretary for Systems Development and Technology.
- (e) Assistant Secretary for Public Affairs.
- (f) General Counsel.
- (g) Assistant Secretary for Administration.

**Subpart C—Delegations**

**§ 1.41 Purpose.**

This subpart provides for the exercise of the powers and performance of the duties vested in the Secretary of Transportation by law.

**§ 1.42 Exercise of authority.**

In exercising powers and performing duties delegated by this subpart or re-delegated pursuant thereto, officials of the Department of Transportation are governed by applicable laws, Executive orders, and regulations, and by policies, objectives, plans, standards, procedures, and limitations as may be issued from time to time by or on behalf of the Secretary, or, with respect to matters under their jurisdictions, by or on behalf of the Under Secretary, the Deputy Under Secretary, an Assistant Secretary, the General Counsel, or an Administrator. This includes, wherever specified, the requirement for advance notice to, prior coordination with, or prior approval by an authority other than that of the official proposing to act.

### § 1.43 General limitations and reservations.

(a) All powers and duties that are not delegated by the Secretary in this subpart, or otherwise vested in officials other than the Secretary, are reserved to the Secretary.

(b) Except as provided in § 1.42 and subject to paragraph (a) of this section and § 1.44, the Under Secretary, the Deputy Under Secretary, the Assistant Secretaries, the General Counsel, and the Administrators exercise the powers and perform the duties delegated to them under this subpart.

### § 1.44 Reservations of authority.

The delegations of authority in §§ 1.45 through 1.51 do not extend to the following actions, authority for which is reserved to the Secretary or his delegatee within the Office of the Secretary:

#### (a) General transportation matters.

(1) Transportation leadership authority under section 4(a) of the Department of Transportation Act (49 U.S.C. 1653(a)).

(2) Authority relating to transportation activities, plans, and programs under section 4 (f) and (g) of the Department of Transportation Act (49 U.S.C. 1653 (f) and (g)), except for regulatory matters implementing section 4(f) for programs administered by the Federal Aviation Administration.

(3) Authority to develop, prepare, coordinate, transmit, and revise transportation investment standards and criteria under section 7 of the Department of Transportation Act (49 U.S.C. 1656).

(4) Authority relating to standard time zones and advanced (daylight) time (15 U.S.C. 260 et seq.).

(5) Authority to administer the Natural Gas Pipeline Safety Act of 1968 (82 Stat. 720).

(b) *Legislation and reports.* (1) Submission to the President, the Director of the Bureau of the Budget, or the Congress of proposals or recommendations for legislation, Executive orders, Proclamations or Reorganization Plans or other Presidential action.

(2) Submission to Congress or the President of any report or any proposed transportation policy or investment standards or criteria, except with the prior written approval of the Secretary.

(c) *Budget and finance.* (1) Approval and submission to the Bureau of the Budget of original or amended budget estimates or requests for allocations of personnel ceiling (31 U.S.C. 22-24).

(2) Approval of requests for legislation which, if enacted, would authorize subsequent appropriations for the Department (31 U.S.C. 581b).

(3) Transfer of the balance of an appropriation from one operating element to another within the Department (31 U.S.C. 581c).

(4) Submission to the Director of the Bureau of the Budget of requests for the transfer of the balance or portions of an appropriation from one element to another within the Department (31 U.S.C. 665).

(d) *Interventions and appearances.* Except with respect to proceedings relating to safety fitness of an applicant (49

U.S.C. 1653(e)), the making of decisions on requests to intervene or appear before courts and administrative agencies to present the views of the Department.

(e) *Personnel.* (1) Recommendations to the Civil Service Commission of the allocation of a position to GS-16, 17, or 18 or an equivalent level (5 U.S.C. 5108).

(2) Recommendations to the Civil Service Commission of approval of the qualifications of any candidate for a position at grade GS-16, 17, or 18 or an equivalent level (5 U.S.C. 3324), or to an executive level position.

(3) Recommendations to the Civil Service Commission of a Lump-Sum Incentive Award in Excess of \$5,000 (5 U.S.C. 4502).

(4) Approval of the following actions relating to Schedules A, B, and C and noncareer executive assignment positions or incumbents, except for actions under Schedules A and B limited to one year or less at grade GS-9 or lower, or an equivalent level:

(i) Establishment or abolishment of positions;

(ii) Hires;

(iii) Promotions other than quality and periodic within grade promotions;

(iv) Transfer of personnel to Schedule A, B, or C positions or noncareer executive assignment positions, either permanently or on detail, and

(v) Transfer of personnel from Schedule A, B, or C or noncareer executive assignment positions to career Civil Service positions.

(5) Approval of employment of experts or consultants.

(6) Authority relating to scientific and professional positions under section 6(a)

(5) of the Department of Transportation Act (49 U.S.C. 1655(a)(5)).

(f) *Security.* (1) Termination of an individual from employment in a position in the Department for security reasons under Executive Order No. 10450 (18 F.R. 2489).

(2) Authorizing the filling of a critically sensitive position for a limited period by a person on whom a preappointment full-field investigation has not been completed (Executive Order No. 10450).

(3) Requesting Presidential approval of a claim of executive privilege with respect to information requested by any congressional committee or Member of Congress.

(4) Making of determinations prescribed by sections 4(a)(2)(B), 4(b)(3), 5(b), and 9 of Executive Order No. 10865 (3 CFR Ch. IV, 50 U.S.C. 401 (1960)) relating to the adjudication and final denial of access to classified information to industry personnel.

(g) *Procurement.* Exercise of the extraordinary authority for defense contracts provided for in Public Law 85-804 (50 U.S.C. 1431-1435), and considerations and decisions on contract appeals and other matters pursuant to the Department of Transportation Contract Appeals Regulations (41 CFR Part 12-60).

(h) *Printing.* Requesting approval of the Joint Committee on Printing for any procurement or other action requiring Committee approval.

(i) *Interagency agreements.* Execution of any written interdepartmental or interagency agreement with the head of another executive department or agency.

(j) *Withholding of funds.* Withholding or suspension of Federal-Aid Highway funds on a statewide basis and the waiver or compromise of such withholding or suspension.

(k) *Alaska Railroad.* Extension or abandonment of railroad service.

(l) *National Highway Safety Advisory Committee.* Directing the National Highway Safety Advisory Committee to meet (23 U.S.C. 404(c)).

(m) *Coast Guard.* The following powers relating to the Coast Guard:

(1) Appointment of Advisory Committee to the Academy (14 U.S.C. 193).

(2) Fixing date for visit to Academy by Board of Visitors (14 U.S.C. 194(b)).

(3) Establishment of promotion zone for selection of rear admirals (14 U.S.C. 256(b)).

(4) Removal of an officer from active duty when recommended by a board convened under section 323 of title 14, United States Code (14 U.S.C. 326).

(5) Responsibility for supervising activities of Reserve components (10 U.S.C. 264(b)).

(6) Convening General Courts-Martial under the personal authority granted by law (10 U.S.C. 822(a)(2)).

(7) Approval of execution of a sentence dismissing a commissioned officer or cadet (10 U.S.C. 871(b)).

(8) Approval of vacation of a suspension of dismissal (10 U.S.C. 872(b)).

(9) Establishing procedures for the correction of military records (10 U.S.C. 1552(a)).

(10) Establishing a board of review to review discharge or dismissal of former Coast Guard members (10 U.S.C. 1553(a)).

(11) Reviewing findings of board established under section 1553(a) (10 U.S.C. 1553(b)).

(12) Reviewing findings of boards established under section 1554(a) to forward requests of officers released or retired from active duty without pay for physical disability (10 U.S.C. 1554(b)).

### § 1.45 Delegations to all Administrators.

(a) Except as otherwise prescribed by the Secretary of Transportation, each Administrator is authorized to—

(1) Exercise the authority of the Secretary over and with respect to any personnel within their respective organizations.

(2) Exercise the authority of the Secretary as executive head of a department, under any statute, Executive order or regulation.

(3) Request the Attorney General to approve the award, compromise, or settlement of any tort claim for an amount exceeding \$25,000 (28 U.S.C. 2672).

(4) Exercise the authority to:

(i) Originate information and assign security classifications thereto with further power to redelegate this authority with respect to information in the Secret and Confidential categories, and

(ii) Approve the release of any information classified as national defense information pursuant to Executive Order

No. 10501 (3 CFR Ch. IV, 50 U.S.C. 401 (1953)) to any person outside the executive branch, including but not limited to releases under the Industrial Security regulations in accordance with Executive Order No. 10865 (3 CFR Ch. IV, 50 U.S.C. 401 (1960)).

(5) Approve systems of administrative control to restrict obligations or expenditures to the amount of apportionments and to fix responsibility for the creation of any such obligation which exceeds available funds (31 U.S.C. 665).

(b) Except as otherwise specifically provided, each official to whom authority is granted by §§ 1.45 through 1.51 may redelegate and authorize successive delegations of that authority within the organization under his jurisdiction.

#### § 1.46 Delegations to Commandant of the Coast Guard.

The Commandant of the Coast Guard is delegated authority to—

(a) Carry out the Great Lakes Pilotage Act of 1960, as amended, except the authority to enter into, revise, or amend arrangements with Canada (74 Stat. 259, 46 U.S.C. 216 et seq.).

(b) Carry out all the activities of the Coast Guard, including, but not limited to, law enforcement, safety of life and property at sea, aids to navigation, search and rescue, ice breaking, oceanographic research and military readiness functions (49 U.S.C. 1655(b)(1)).

(c) Carry out the following laws relating generally to water vessel anchorages, drawbridge operating regulations, obstructive bridges, pollution of the sea by oil and the locations and clearances of bridges and causeways over the navigable waters of the United States:

(1) Section 7 of the Act of March 4, 1915, as amended (38 Stat. 1053, 33 U.S.C. 471);

(2) Article 11 of section 1 of the Act of June 7, 1897, as amended (30 Stat. 98, 33 U.S.C. 180);

(3) Rule 9 of section 1 of the Act of February 8, 1895, as amended (28 Stat. 647, 33 U.S.C. 258);

(4) Rule numbered 13 of section 4233 of the Revised Statutes, as amended (33 U.S.C. 322);

(5) Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362, 33 U.S.C. 499);

(6) The Act of June 21, 1940, as amended (54 Stat. 497, 33 U.S.C. 511 et seq.);

(7) The Oil Pollution Act, 1961, as amended (75 Stat. 402, 33 U.S.C. 1001 et seq.);

(8) Section 9 of the Act of March 3, 1899, as amended (30 Stat. 1151, 33 U.S.C. 401);

(9) The Act of March 23, 1906, as amended (34 Stat. 84, 33 U.S.C. 491 et seq.); and

(10) The General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525 et seq.) except sections 502(c) and 503.

(d) Carry out Reorganization Plan No. 1 of 1967, relating to ship mortgages.

(e) Request the Secretary of the Navy to build at naval shipyards Coast Guard vessels not normally or economically obtainable from private contractors (14 U.S.C. 145(a)(1)).

(f) Administer Executive Order 11459 (34 F.R. 5057), relating to approval of containers for transport under Customs seal.

(g) Exchange information, through the Secretary of State, with foreign governments on matters dealing with the safety of life and property at sea, other than radio communications, but not including the submission of suggestions to the Secretary of State on international collaboration and conferences (14 U.S.C. 142).

(h) Exchange personnel, vessels, facilities, and equipment with the Secretary of the Navy to facilitate operational readiness for wartime service with the Navy, and agree to undertake such assignments and functions for each other as are necessary and advisable, except with respect to those exchanges and agreements which, in the Commandant's judgment, may have substantial political impact or adversely affect mission performance (14 U.S.C. 145(c)).

(i) Approve retention of a rear admiral on active duty for a period not exceeding 1 year (14 U.S.C. 290(b)).

(j) Settle and pay claims of not more than \$5,000 against the United States through the Chief Counsel, U.S. Coast Guard (10 U.S.C. 2733).

(k) Award Meritorious Service Medals to Coast Guard military members and members of the other Armed Forces attached to the Coast Guard (Executive Order No. 11448, 34 F.R. 915 (1968)).

#### § 1.47 Delegations to Federal Aviation Administrator.

The Federal Aviation Administrator is delegated authority to—

(a) Carry out the powers and duties transferred to the Secretary of Transportation by section 6(c)(1) of the Department of Transportation Act (49 U.S.C. 1655(c)(1)), including those pertaining to aviation safety set forth in sections 306, 307, 308, 309, 312, 313, 314, 1101, 1105, and 1111, and titles VI, VII, IX, and XII of the Federal Aviation Act of 1958, as amended.

(b) Carry out title XIII of the Federal Aviation Act of 1958, as amended (72 Stat. 800; 49 U.S.C. 1931 et seq.), relating to War Risk Insurance.

(c) Carry out the civil administration of Wake Island under the agreement between the Secretary of Interior and the Secretary of Transportation of August 26, 1967.

(d) Provide for guaranties of private loans for the purchase of aircraft, including consultation with the Civil Aeronautics Board under the Act of September 7, 1957, as amended (49 U.S.C. 1324 (note)), and the Department of Transportation Act (49 U.S.C. 1655(a)(3) (A) and (B)).

(e) Administer Executive Orders 11419 and 11322 relating to prohibited aviation operations and the prohibited carriage of commodities and products to and from Southern Rhodesia.

(f) Provide certain facilities and services to FAA employees and their dependents at remote locations (49 U.S.C. 1659).

(g) Apportion funds for Federal-Aid Airports (49 U.S.C. 1105).

(h) Issue notices of proposed rule making and regulations implementing section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)) for programs administered by the Federal Aviation Administration.

#### § 1.48 Delegations to Federal Highway Administrator.

The Federal Highway Administrator is delegated authority to—

(a) Investigate and report on the safety compliance records of applicants seeking operating authority, or approval of transactions involving transfer of operating authority, from the Interstate Commerce Commission, and to intervene and present evidence concerning applicants' fitness in Commission proceedings under 49 U.S.C. 1653(e), so far as it relates to motor carriers.

(b) Administer the following laws relating generally to highways:

(1) Chapters 1 (except section 138), 2, 3, and 5 of title 23, United States Code, including the apportionment of funds for Federal-Aid Highways once Congress approves estimates submitted by the Secretary.

(2) The Federal-Aid Highway Act of 1968, but not including section 18 (82 Stat. 815);

(3) The Federal-Aid Highway Act of 1966 (80 Stat. 766);

(4) The Federal-Aid Highway Act of 1962, as amended (76 Stat. 1145, 23 U.S.C. 307 note);

(5) The Act of July 14, 1960, as amended (74 Stat. 526, 23 U.S.C. 313 note);

(6) The Federal-Aid Highway Act of 1954, as amended (68 Stat. 70);

(7) The Act of September 26, 1961, as amended (75 Stat. 670);

(8) The Highway Revenue Act of 1956, as amended (70 Stat. 387, 23 U.S.C. 120 note);

(9) The Highway Beautification Act of 1965, as amended (79 Stat. 1028, 23 U.S.C. 131 et seq. notes);

(10) The Alaska Omnibus Act, as amended (73 Stat. 141, 48 U.S.C. 21 note prec.);

(11) The Joint Resolution of August 28, 1965, as amended (79 Stat. 578, 23 U.S.C. 101 et seq. notes);

(12) Section 502(c) of the General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525(c));

(13) The Act of April 27, 1962 (76 Stat. 59); and

(14) Reorganization Plan No. 7 of 1949 (63 Stat. 1070).

(c) Carry out the Act of February 23, 1905, as amended (33 Stat. 743, 49 U.S.C. 1201 et seq.), relating to medals for heroism, so far as it pertains to motor vehicles.

(d) Carry out sections 831-835 of title 18, United States Code, relating generally to explosives and other dangerous articles, so far as they pertain to motor carriers.

(e) Carry out section 226 of the Interstate Commerce Act, as amended (49 U.S.C. 325), relating generally to investigation of motor vehicle sizes, weights, and services of employees.



(f) Carry out sections 204(a) (1), (2), (3), (3a), and (5) of the Interstate Commerce Act, as amended (49 U.S.C. 304), relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment of motor carriers.

(g) Carry out sections 221(a), 221(c), and 224 of the Interstate Commerce Act, as amended (49 U.S.C. 321 et seq.), relating generally to service of process, designation of agents to receive service of process, and identification of interstate motor vehicles, so far as they pertain to private carriers of property by motor vehicle and carriers of migrant workers by motor vehicle other than contract carriers.

(h) Exercise the administrative powers under the Interstate Commerce Act with respect to powers and duties pertaining to motor carrier safety transferred to the Secretary from the Interstate Commerce Commission (49 U.S.C. 1655(f) (2) (B) (ii)).

(i) Administer the following laws relating generally to the reasonableness of tolls:

(1) Section 4 of the Act of March 23, 1906, as amended (34 Stat. 85, 33 U.S.C. 494);

(2) Section 503 of the General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 526);

(3) Section 17 of the Act of June 10, 1930, as amended (46 Stat. 552, 33 U.S.C. 498a);

(4) The Act of June 27, 1930, as amended (46 Stat. 821, 33 U.S.C. 498b); and

(5) The Act of August 21, 1935, as amended (49 Stat. 670, 33 U.S.C. 503 et seq.).

(j) Carry out the Department's responsibilities relating generally to the Appalachian Regional Development Act of 1965, as amended (79 Stat. 5, 40 U.S.C. App. 1 et seq.).

(k) Carry out section 212(a) of the Interstate Commerce Act, as amended (49 Stat. 555, 49 U.S.C. 312(a)), relating generally to the suspension, change, or revocation of motor carrier certificates, permits, or licenses.

(l) Carry out the Act of September 21, 1966, Public Law 89-599, relating generally to certain approvals concerned with a compact between the States of Missouri and Kansas.

(m) Carry out the law relating to the Chamizal border highway (80 Stat. 1477).

#### § 1.49 Delegations to Federal Railroad Administrator.

The Federal Railroad Administrator is delegated authority to—

(a) Investigate and report on safety compliance records of applicants seeking railroad operating authority from the Interstate Commerce Commission, and to intervene and present evidence concerning applicants' fitness in Commission proceedings under 49 U.S.C. 1653(e), relating to railroads and pipelines other than water and gas.

(b) Carry out the Act of September 30, 1965, as amended (79 Stat. 893, 49

U.S.C. 1631 et seq.), relating generally to high-speed ground transportation.

(c) Carry out the following laws relating generally to safety appliances and equipment on railroad engines and cars, and protection of employees and travelers:

(1) The Act of March 2, 1893, as amended (27 Stat. 531, 45 U.S.C. 1 et seq.);

(2) The Act of March 2, 1903, as amended (32 Stat. 943, 45 U.S.C. 8 et seq.);

(3) The Act of April 14, 1910, as amended (36 Stat. 298, 45 U.S.C. 11 et seq.);

(4) The Act of May 30, 1908, as amended (35 Stat. 476, 45 U.S.C. 17 et seq.);

(5) The Act of February 17, 1911, as amended (36 Stat. 913, 45 U.S.C. 22 et seq.);

(6) The Act of March 4, 1915, as amended (38 Stat. 1192, 45 U.S.C. 30);

(7) Reorganization Plan No. 3 of 1965 (79 Stat. 1320, 45 U.S.C. 22 note);

(8) Joint Resolution of June 30, 1906, as amended (34 Stat. 838, 45 U.S.C. 35);

(9) The Act of May 27, 1908, as amended (35 Stat. 325, 45 U.S.C. 36 et seq.).

(10) The Act of March 4, 1909, as amended (35 Stat. 965, 45 U.S.C. 37); and

(11) The Act of May 6, 1910, as amended (36 Stat. 350, 45 U.S.C. 38 et seq.);

(d) Carry out the Act of March 4, 1907, as amended (34 Stat. 1415, 45 U.S.C. 61 et seq.), relating generally to hours of service of railroad employees.

(e) Carry out the Act of February 23, 1905, as amended (33 Stat. 743, 49 U.S.C. 1201 et seq.), relating generally to medals for heroism so far as it pertains to railroads.

(f) Carry out sections 830-835 of title 18, United States Code, relating generally to explosives and other dangerous articles so far as they pertain to railroads and pipelines other than water and gas.

(g) Carry out section 25 of the Interstate Commerce Act, as amended (49 U.S.C. 26), relating generally to railroad safety appliances, methods, and systems.

(h) Exercise the administrative powers under the Interstate Commerce Act with respect to powers and duties pertaining to railroad and pipeline (other than water and gas) safety transferred to the Secretary (49 U.S.C. 1655(f)).

(i) Operate and administer the Alaska Railroad under the Act of March 12, 1914, as amended (38 Stat. 305), and Executive Order No. 11107 (28 F.R. 4225 (1963)).

(j) Make individual and general changes in freight rates and passenger fares for the Alaska Railroad, without power to redelegate except with respect to individual rates and joint rates published or established with Alaska Railroad concurrence by tariff authorities other than the Alaska Railroad (49 U.S.C. 1655(i)).

(k) Promote and undertake research and development relating to rail matters

generally (49 U.S.C. 1653(a), 1657(e) (1), 1657(n) (1), and 1657(q) (1)).

#### § 1.50 Delegations to Urban Mass Transportation Administrator.

The Urban Mass Transportation Administrator is delegated authority to exercise the functions vested in the Secretary by section 1 of Reorganization Plan No. 2 of 1968 (82 Stat. 1369).

#### § 1.51 Delegations to Director of National Highway Safety Bureau.

The Director of the National Highway Safety Bureau is delegated authority to administer the National Traffic and Motor Vehicle Safety Act of 1966, Public Law 89-563 (80 Stat. 718) and the Highway Safety Act of 1966, Public Law 89-564 (80 Stat. 731), subject to the requirement that the authority to develop and administer standards relating to the following be redelegated to the Federal Highway Administrator:

(a) Identification and surveillance of accident locations.

(b) Highway design, construction, and maintenance, including highway-related aspects of pedestrian safety.

(c) Traffic control devices.

#### § 1.52 Delegations to all Secretarial Officers.

(a) This section sets forth general delegations to the Under Secretary, the Deputy Under Secretary, the General Counsel, and the Assistant Secretaries.

(b) Each officer named in paragraph (a) of this section is delegated authority to—

(1) Redelegate and authorize successive redelegations of authority granted by the Secretary within their respective organizations except as limited by law or specific administrative reservation.

(2) Authorize and approve official travel (except overseas travel) and transportation for themselves, their subordinates, and others performing services for, or in cooperation with, the Office of the Secretary.

(3) Communicate directly with chairmen of Field Coordination Groups provided such communications are largely informational in character and do not conflict with program responsibilities of the operating administrations or the National Transportation Safety Board.

(4) Establish ad hoc committees for specific tasks within their assigned staff area.

(5) Establish, modify, extend, or terminate standing committees within their specific areas of responsibility when directed or authorized to do so by the Secretary.

(6) Designate members of interagency committees when such committees are specifically concerned with responsibilities of direct interest to their office.

(7) Exercise the following authorities with respect to executive level positions (GS-16, 17, or 18 or equivalent) within their respective areas of responsibility:

(i) Determine how executive level positions will be filled; i.e., by reassignment, promotion, appointment.

(ii) Establish selection criteria to be used in identifying eligible candidates.

(iii) Confer with the Administrators on selection criteria and candidates for an executive level position that is a counterpart of an activity or position in the Office of the Secretary.

(iv) Recommend final selection for executive level positions, subject to review by the Executive Committee of the Departmental Executive Personnel Board and approval by the Secretary and the Civil Service Commission.

(v) Serve as ad hoc member of the Departmental Executive Personnel Board at the call of the Chairman and serve on the Board's Executive Committee whenever matters involving their respective offices or a functional counterpart thereof in an operating administration are presented to the Executive Committee for its consideration.

(8) Administer and perform the functions described in their respective functional statements.

#### § 1.53 Delegations to Under Secretary.

The Under Secretary may exercise the authority of the Secretary except where specifically limited by law, order, regulation, or instruction of the Secretary. In addition, the Under Secretary is delegated authority to—

(a) Exercise executive control over the Departmental Planning-Programming-Budgeting System.

(b) Issue monetary authorizations for use of reception and representation funds.

(c) Serve as Chairman of the National Highway Safety Advisory Committee.

(d) Serve as the official sponsor of the DOT Advisory Council on Urban Transportation and as Chairman in the absence of the Secretary or as directed by him.

(e) Serve as Chairman of the Departmental Executive Personnel Board and its Executive Committee.

(f) Act on departmental requests for employment limitation relief through use of the Secretary's vacancy reserve.

(g) Originate direct correspondence to chairmen of Field Coordination Groups on overall departmental matters.

(h) Approve the establishment, modification, extension, or termination of:

(1) Departmentwide (intradepartment) committees affecting more than one program.

(2) OST-sponsored interagency committees.

(3) All Advisory Committees (including Industry Advisory Committees) except those sponsored by field activities of the operating administrations.

(i) Approve the designation of—

(1) Departmental representatives and the chairmen for interagency committees sponsored by the Office of the Secretary.

(2) Departmental representatives on all Advisory Committees except those sponsored by a field component of one of the operating administrations.

(3) Departmental members for international committees.

(j) Authorize and approve official travel and transportation for himself, his subordinates and others performing services for, or in cooperation with, the

Office of the Secretary; approve all requests for overseas travel within the Office of the Secretary.

#### § 1.54 Delegations to Deputy Under Secretary.

The Deputy Under Secretary is delegated authority to—

(a) Act for the Secretary and the Under Secretary in respect to the internal affairs of the immediate Office of the Secretary and represent the Secretary and Under Secretary in matters assigned by them.

(b) Exercise day-to-day operating management responsibility over the Office of Planning and Program Review and the Office of Budget.

(c) Direct and manage the Departmental Planning-Programming-Budgeting System.

(d) Request apportionment or reapportionment of funds by the Bureau of the Budget and redelegate this authority to the Director of the Budget: *Provided*, That no request for apportionment involving a deficiency appropriation shall be submitted to the Bureau of the Budget without appropriate certification by the Secretary.

(e) Issue allotments or allocations of funds to components of the Department and to redelegate this authority to the Director of Budget.

(f) Authorize and approve official travel and transportation for himself and staff members of the immediate Office of the Secretary, including authority to sign and approve related travel orders and travel vouchers but not including requests for overseas travel.

#### § 1.55 Delegations to Assistant Secretary for Policy and International Affairs.

The Assistant Secretary for Policy and International Affairs is delegated authority to—

(a) Except with respect to proceedings under section 4(e) of the Department of Transportation Act (80 Stat. 934) relating to safety fitness of an applicant, decide on requests to intervene or appear before administrative agencies to present the views of the Department subject to concurrence by the General Counsel.

(b) Serve as the Department's point of contact in relationships with the Central Intelligence Agency and the Defense Intelligence Agency.

(c) Serve as the Department's point of coordination for foreign travel, advising administrations of potential "overlap" in participation in overseas conferences.

#### § 1.56 Delegations to Assistant Secretary for Environment and Urban Systems.

The Assistant Secretary for Environment and Urban Systems is delegated authority to—

(a) Develop innovative approaches to urban transportation problems.

(b) Provide leadership in the initiation of urban transportation systems and environmental enhancement programs.

(c) Perform any functions of the Secretary as a member of the Migratory Bird Conservation Commission.

#### § 1.57 Delegations to Assistant Secretary for Systems Development and Technology.

The Assistant Secretary for Systems Development and Technology is delegated authority to—

(a) Plan and recommend to the Secretary an integrated Research and Development program consistent with the Department's objectives and priorities of interest.

(b) Recommend to the Secretary actions to improve, modify, or disapprove elements of the Research and Development program as necessary to eliminate unpromising or unnecessarily duplicative projects and to initiate projects indicating promise.

(c) Recommend to the Secretary appropriate funding for the Department's Research and Development program as part of the planning, programming, and budgeting process.

(d) As the Secretarial Officer having cognizance over the Department's Research and Development program, participate fully in the planning, programming, and budgeting process whenever Departmental Research and Development matters are involved.

(e) Assure common use of research facilities of the Department of Transportation and the National Aeronautics and Space Administration, such as high-speed ground transportation test facilities.

(f) Assure coordination of research and development efforts in the areas of aircraft noise and sonic boom to be carried out by the Department of Transportation and the National Aeronautics and Space Administration.

(g) Perform the functions, powers, and duties of the Secretary pursuant to the Natural Gas Pipeline Safety Act of 1968 (Public Law 90-481). This authority, which has been redelegated to the Director of Pipeline Safety, includes:

(1) Adoption of interim minimum Federal safety standards for pipeline facilities and the transportation of gas.

(2) Establishment of minimum Federal safety standards for the transportation of gas and pipeline facilities.

(3) Establishment of the Technical Pipeline Safety Standards Committee.

(4) Administration of State certifications, agreements, reports, and records and other compliance provisions under the Act.

(h) Serve as the official sponsor of the Department of Transportation Citizens Advisory Committee on Transportation Quality and the Department of Transportation Advisory Committee on Air Traffic Control.

(i) Expedite the establishment of high-speed rail service between New York and Washington.

(j) Chair the Departmental Research Coordinating Committee.

#### § 1.58 Delegations to Assistant Secretary for Public Affairs.

The Assistant Secretary for Public Affairs is delegated authority to—

(a) Administer regulations and procedures governing public access to the

records of the Office of the Secretary (a decision by the Assistant Secretary not to disclose a record is considered to be a withholding by the Secretary), and issue supplementary policies and procedures to insure uniform Department implementation of related secretarial orders and regulations.

(b) Monitor the overall public information program and, through the Office of Public Information, review and approve informational materials having policymaking ramifications before they are printed and disseminated.

(c) Establish procedures for responding to congressional correspondence and review all replies on matters having policy implications, with final authority to coordinate, with other offices, any replies he deems necessary.

#### § 1.59 Delegations to General Counsel.

The General Counsel is delegated authority to—

(a) Conduct all rule-making proceedings, except the issuance of final rules, under specific laws relating generally to standard time zones and daylight saving (advanced standard) time.

(b) Determine the practicability of applying the standard time of any standard time zone to the movements of any common carrier engaged in interstate or foreign commerce and issue operating exceptions in any case in which he determines that it is impractical to apply the standard time.

(c) Provide and coordinate the Department's counseling service to employees on questions of conflict of interest and other matters of legal import covered by departmental regulations on employee responsibility and conduct, assuring that counseling and interpretations on these matters are available to designated Deputy Counselors of the Department, and serve as the Department's designee to the Civil Service Commission on these matters.

(d) Collect claims of the United States not exceeding \$20,000 and suspend and terminate action to collect such claims. (Limited to claims arising out of the activities of, or referred to, the Office of the Secretary.)

(e) Review and take final action on referrals of the findings of the Coast Guard Board for the Correction of Military Records and the Coast Guard Board for the Review of Discharges and Dismissals.

(f) Approve vacation of suspension of dismissal of military personnel (10 U.S.C. 872(b)).

(g) Grant permission, under specific circumstances, to deviate from a policy or procedure prescribed by Part 9 of the regulations of the Office of the Secretary (Part 9 of this subtitle) with respect to testimony of OST employees as witnesses in legal proceedings, the serving of legal process and pleadings in legal proceedings involving the Secretary or his Office, and the production of records of that Office pursuant to subpoena.

(h) Prepare proposed Executive orders and proclamations (including transmittal documents), effect appropriate departmental coordination, and determine

whether the transmittal to the Bureau of the Budget should be submitted over the Secretary's signature or the General Counsel's.

(i) Emboss and affix the official departmental seal to appropriate documents and other materials, for all purposes for which authentication by seal is required.

(j) Except with respect to proceedings under section 4(e) of the Department of Transportation Act (80 Stat. 934) relating to safety fitness of an applicant, decide on requests to intervene or appear before courts to present the views of the Department, subject to the concurrence of other interested staff elements in the Office of the Secretary.

#### § 1.60 Delegations to Assistant Secretary for Administration.

The Assistant Secretary for Administration is delegated authority for the following:

(a) *Procurement.* (1) Exercise procurement authority with respect to requirements of the Office of the Secretary.

(2) Make the required determinations with respect to mistakes in bids relative to sales of personal property conducted by the Office of the Secretary without power of redelegation.

(b) *Personnel.* (1) Administer and conduct personnel management activities for the Office of the Secretary, including but not limited to:

(i) Establishment and classification of positions at GS-1 through GS-15;

(ii) Effectuation of personnel actions to appoint, promote, demote, reassign, separate, and remove employees;

(iii) Establishment of training programs and approval of training expenses; and

(iv) Evaluation of trades, labor, and manual skills positions and approval of pay schedules therefor.

(2) Administer oaths incident to entrance on duty in the Federal service and any other oath which might be required by law in connection with employment.

(3) Coordinate departmental requests for employment limitation relief with appropriate Secretarial Officers prior to submission to the Under Secretary for action, advise the Under Secretary on priorities, and act on requests for temporary relief through granting position advances from the Secretary's reserve pool for a period not to exceed 60 days.

(4) Exercise emergency authority to hire without the prior approval of the Under Secretary normally required by departmental procedures implementing general employment limitations when in the judgment of the Assistant Secretary immediate action is necessary to effect the hire and avoid the loss of a well-qualified job applicant, and for similar reasons.

(5) Review proposals of the Office of the Secretary for each new appointment or transfer to (i) verify the essentiality of the position and (ii) assure compliance with the Action Plan for Equal Opportunity of the Office of the Secretary.

(6) Approve periodic accession plans for the Office of the Secretary.

(7) Serve as Vice Chairman of the Departmental Executive Personnel Board and its Executive Committee.

(c) *Finance.* (1) Establish and maintain systems of fund control within the Office of the Secretary in accordance with departmental criteria and policies, and develop and prescribe a system of accounts and reports that will provide for prompt recording in the official accounts of all financial transactions having an effect on apportionment and fund controls and prompt reporting on the status of such accounts.

(2) Designate to the Treasury Department certifying officers and designated agents for the Office of the Secretary and imprest fund cashiers for the departmental headquarters.

(3) Certify vouchers for payment of all classes for the Office of the Secretary and letters of credit for the Urban Mass Transportation Administration.

(4) Request the Treasury Department to establish accounting station symbols for the Office of the Secretary.

(d) *Working capital fund.* Establish and operate the working capital fund to cover services approved by the Secretary for such treatment (49 U.S.C. 1657(j)).

(e) *Security.* (1) Represent the Secretary on the U.S. Communications Security Board and the Interdepartmental Committee on Internal Security.

(2) Issue official credentials "By direction of the Secretary".

(3) Classify information in the interests of national defense.

(4) Take certain classified actions on behalf of the Department in connection with counter-audio programs.

(5) Authorize exceptions to investigative standards for National Defense Reservists.

(6) Determine when emergencies, other than attack on the United States, justify activation of Personnel Security National Emergency Standby Regulations.

(7) Approve exceptions to the Personnel Security Regulations issued by the Secretary.

(8) Request the Civil Service Commission to modify investigative requirements in certain areas.

(9) Approve exemptions for official identification on Government motor vehicles.

(f) *Printing.* (1) Request approval of the Joint Committee on Printing, Congress of the United States, for any procurement or other action requiring Committee approval.

(2) Certify the necessity for departmental periodicals and request approval of the Director of the Bureau of the Budget (BOB Circular No. A-3 Revised as of Sept. 8, 1960).

(g) *Document authentication.* Emboss and affix the official departmental seal to appropriate documents and other materials, for all purposes for which authentication by seal is required.

(h) *Reports.* Process requests for Bureau of the Budget clearance of reports covered by the Federal Reports Act of 1942.



(i) *Foreign travel.* Review written requests for modification to the Department's overseas travel plan approved by the Bureau of the Budget.

**§ 1.61 Saving provision.**

All orders, determinations, regulations, and contracts, in effect on January 17, 1970, which have been issued or made on or before that date under any authority delegated or redelegated under this part, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the person to whom the delegation or redelegation is made, by any court of competent jurisdiction, or by operation by law.

[F.R. Doc. 70-3456; Filed, Mar. 20, 1970; 8:49 a.m.]

**Chapter X—Interstate Commerce Commission**

**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

[Ex Parte Nos. MC-37 (Sub-No. 9A), MC-37 (Sub-No. 9B)]

**PART 1048—COMMERCIAL ZONES**

**Baltimore, Md., Commercial Zone**

*Order.* At a session of the Interstate Commerce Commission, Review Board Number 2, held at its office in Washington, D.C., on the 3d day of March 1970.

It appearing, that on September 29, 1965, the Commission, division 1, made and entered its report, 99 M.C.C. 572, and order, in this proceeding specifically defining the zone adjacent to and commercially a part of Baltimore, Md.;

It further appearing, that by petitions filed on October 8, 1969, and November 17, 1969, the Howard County, Md., Department of Industrial Relations, the chamber of commerce of Metropolitan Baltimore, Inc., and the Howard Research and Development Corp., and Anne Arundel County, Md., Parkway Industrial Center, and the Brass & Copper Supply Co., Inc., respectively, seek redefinition and extension in certain respects of the Baltimore, Md., commercial zone limits;

And it further appearing, that investigation of the matters and things involved in said petition having been made, and said board having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

*It is ordered,* That § 1048.21 as prescribed in this proceeding on September 29, 1965, be, and it is hereby, vacated and set aside, and the following revision is hereby substituted in lieu thereof:

**§ 1048.21 Baltimore, Md.**

The zone adjacent to and commercially a part of Baltimore, Md., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Com-

merce Act (49 U.S.C. 303(b)(8)) includes and it is comprised of all as follows:

(a) The municipality of Baltimore itself;

(b) All points within a line drawn 5 miles beyond the boundaries of Baltimore;

(c) All points in that area east of the line described in paragraph (b) of this section, bounded by a line as follows: Beginning at the point where the line described in paragraph (b) of this section crosses Dark Head Creek and extending in a southeasterly direction along the center of Dark Head Creek and beyond to a point off Wilson Point, thence in a northeasterly direction to and along the center of Frog Mortar Creek to Stevens Road, thence northerly along Stevens Road to Eastern Avenue, thence easterly along Eastern Avenue to Bengies Road, thence northwesterly along Bengies Road to the right-of-way of the Penn Central Transportation Co., thence westerly along such right-of-way to the junction thereof with the line described in paragraph (b) of this section;

(d) All points in that area south of the line described in paragraph (b) of this section bounded on the west by the right-of-way of the line of the Penn Central Transportation Co. extending between Stony Run and Severn, Md., and on the south by that part of Maryland Highway 176, extending easterly from the said railroad to its junction with the line described in paragraph (b) of this section;

(e) All points in that area southwest of the line described in paragraph (b) of this section, bounded by a line as follows: Beginning at the point where the line described in paragraph (b) of this section crosses the Baltimore-Washington Expressway and extending in a southwesterly direction along the Baltimore-Washington Expressway to its intersection with Maryland Highway 176, thence westerly along Maryland Highway 176 to its intersection with the Howard-Anne Arundel County line, thence southwesterly along said county line to its intersection with Maryland Highway 32, thence northwesterly along Maryland Highway 32 to its intersection with Oakland Mills Road, thence northerly along Oakland Mills Road to its intersection with Lark Brown Road, thence northeasterly along Lark Brown Road to its intersection with Maryland Highway 175, thence southerly along Maryland Highway 175 to its intersection with Interstate Highway 95, thence northeasterly along Interstate Highway 95 to its intersection with the line described in paragraph (b) of this section;

(f) All points in that area north of the line described in paragraph (b) of this section bounded by a line as follows: Beginning at the junction of the line described in paragraph (b) of this section and the Baltimore-Harrisburg Expressway (Interstate Highway 83), thence northerly along Interstate Highway 83 to its junction with Shawan Road, thence easterly along Shawan Road to its

junction with York Road (Maryland Highway 45) and continuing to a point 1,500 feet east of Maryland Highway 45, thence southerly along a line 1,500 feet east of the parallel to Maryland Highway 45 to its junction with the line described in paragraph (b) of this section;

(g) All of any municipality any part of which is within the limits of the combined areas defined in paragraphs (b), (c), (d), (e), and (f) of this section;

(h) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the city of Baltimore or by any municipality included under the terms of paragraph (g) of this section.

(49 Stat. 543, as amended, 544, as amended, 546, as amended; 49 U.S.C. 302, 303, 304)

*It is further ordered,* That this order shall become effective on April 22, 1970, and shall continue in effect until further order of the Commission.

*And it is further ordered,* That notice of this order shall be given to the general public by depositing a copy thereof in the office of the secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Review Board No. 2.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-3439; Filed, Mar. 20, 1970; 8:48 a.m.]

[Ex Parte No. MC-19 (Sub-No. 4)]

**PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE**

**Motor Carriers of Household Goods; Stay of Effective Date of Order**

In the matter of amendment of § 1056.4 *General rules and regulations of motor carriers of household goods.*<sup>1</sup>

Present: George M. Stafford, Chairman, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding and of petitions filed by interested parties for reconsideration; and good cause appearing:

*It is ordered,* That the effective date of the order entered in this proceeding on December 5, 1969, be, and it is hereby, stayed pending further order of the Commission.

Dated at Washington, D.C., this 20th day of February 1970.

By the Commission, Chairman Stafford.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-3442; Filed, Mar. 20, 1970; 8:48 a.m.]

<sup>1</sup> Formerly numbered as § 276.4.

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 33—SPORT FISHING

##### Holla Bend National Wildlife Refuge, Ark.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), 50 CFR 33.4 is amended by the addition of Holla Bend National Wildlife Refuge, Ark., to the list of areas open to sport fishing.

It is hereby found and determined that notice and public procedures on this amendment are declared impracticable and unnecessary because of the proximity of the fishing season in the State of Arkansas and of the desirability of making conforming Federal regulations with said State regulations compatible (title 5 U.S.C. 553(b)(B)).

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 7(b), 80 Stat. 929, 16 U.S.C. 715i; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd(c)(d))

Section 33.4 is amended by the following additions:

§ 33.4 List of open areas; sport fishing.

\* \* \* \* \*

## ARKANSAS

Holla Bend National Wildlife Refuge.

\* \* \* \* \*

JOHN S. GOTTSCHALK,  
*Director, Bureau of  
Sport Fisheries and Wildlife.*

MARCH 17, 1970.

[F.R. Doc. 70-3410; Filed, Mar. 20, 1970;  
8:45 a.m.]

### Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

#### SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

#### PART 280—YELLOWFIN TUNA

##### Restrictions Applicable to Fishing Vessels

The member Governments have approved a relaxation of the portion of the Resolution of the Inter-American Tropical Tuna Commission requiring that vessels depart port prior to the date of closure of the yellowfin fishing season in order to qualify to continue to take and retain yellowfin tuna without restriction on that trip. Therefore § 280.6 (b) is amended so that any United States tuna vessel which has completed a fishing voyage in the regulatory area during the current open season and is in port at the time of the closure shall be allowed to depart such port within 10 days after said closure for an unrestricted fishing voyage.

The amendment is described below.

Paragraph (b) of § 280.6 is amended to read as follows:

§ 280.6 Restrictions applicable to fishing vessels.

\* \* \* \* \*

(b) Any master or other person in charge of a fishing vessel which has departed port to engage in tuna fishing

prior to the date of the closure of the yellowfin fishing season may continue to take and retain yellowfin tuna without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of tuna taken during such voyage. Furthermore, any vessel which has completed a tuna fishing voyage in the regulatory area during the then current open season and is in port at the time of the date of closure of such season shall be allowed to depart such port within 10 days after said date of closure for an unrestricted fishing voyage. For the purposes of this subsection, the date of departure from port refers to the date on which the fishing vessel departs from a port to proceed directly to the fishing grounds outfitted, supplied, fueled, provisioned, and manned by officers and crew in the manner and to the extent usually required to carry out fishing operations, by means of such vessel: *Provided*, That a stopover at a single intermediate port, not exceeding 48 hours, is permitted for the specific purpose of meeting any deficiencies in such outfitting, supplying, fueling, provisioning, or manning needs of the vessel for a fishing voyage. A stay in an intermediate port in excess of 48 hours shall constitute a new date of departure from port coinciding with the date of the delayed departure from the intermediate port.

\* \* \* \* \*

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated March 19, 1970.

WILLIAM M. TERRY,  
*Acting Director,  
Bureau of Commercial Fisheries.*

[F.R. Doc. 70-3502; Filed, Mar. 20, 1970;  
8:50 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Fiscal Service

[ 31 CFR Part 360 ]

### INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

#### Notice of Proposed Rule Making

Notice is hereby given pursuant to 5 U.S.C. 553 that the Secretary of the Treasury is considering the adoption, pursuant to 5 U.S.C. 301, of amendments to the existing regulations governing the indorsement and payment of Treasurer's checks at 31 CFR Part 360 (also appearing as Department Circular No. 21, Revised). The purpose of the amendments is to expand the authorized use of special powers of attorney as a basis for negotiation of checks drawn on the Treasurer, so as, for example, to allow the negotiation of retirement checks payable to retired Government employees by financial organizations under such powers in their favor.

The amendments proposed for adoption are as follows:

1. Section 360.2 is amended by adding below the definition of "Federal Reserve Bank" a new definition to read:

"Financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union.

2. Section 360.3(b) is amended, to delete the word "bank" wherever it appears and substitute therefor the term "financial organization", and to revoke the final sentence thereof, so as to read in its entirety:

(b) *Indorsement of checks by a financial organization under the payee's authorization.* When a check is credited by a financial organization to the payee's account under his authorization, the financial organization may use an indorsement substantially as follows:

Credit to the account of the within-named payee in accordance with payee's or payees' instructions. Absence of indorsement guaranteed.

XYZ

A financial organization using this form of indorsement shall be deemed to guarantee to all subsequent indorsers and to the Treasurer that it is acting as an attorney in fact for the payee or payees, under his or their, authorization.

3. Section 360.3(c) is amended to delete the phrase "as defined in Part 209 of this chapter", so as to read in its entirety:

(c) *Indorsement of checks drawn in favor of financial organizations.* All checks drawn in favor of financial orga-

nizations, for credit to the accounts of persons designating payment so to be made, shall be indorsed in the name of the financial organization as payee in the usual manner. Financial organizations receiving and indorsing such checks shall comply fully with Part 209 of this chapter.

4. Section 360.12(b) is amended to delete in the opening clause the word "bank" and substitute therefor the term "financial organization", so as to read in pertinent part:

(b) *General powers of attorney.* Checks issued for the following classes of payments may be negotiated under a general power of attorney in favor of an individual, financial organization or other entity:

5. Section 360.12(c) is amended by deleting from subparagraph (1) the terms "banking institution or trust company" and substituting therefor the term "financial organization", so as to read in pertinent part:

(c) *Special powers of attorney.* Under rules established by the Comptroller General of the United States, classes of checks other than those specified in paragraph (b) of this section may be negotiated under a special power of attorney (1) naming a financial organization as attorney in fact, \* \* \*

6. The appendix is amended by deleting from the description of Standard Form 233 the terms "responsible banking institution or trust company" and substituting therefor the term "financial organization", so as to read in pertinent part:

#### APPENDIX—STANDARD FORMS FOR POWER OF ATTORNEY AND THEIR APPLICATION

\* \* \* \* \*

Standard Form 233. A special power of attorney on this form naming a financial organization as attorney in fact,

\* \* \* \* \*

It is further proposed to revise Standard Form 233 itself so as to delete the terms "responsible banking institution or trust company" wherever they appear and substitute therefor the term "financial organization", in accord with the foregoing proposed amendments.

Prior to the adoption of the proposed amendments, consideration will be given to written data, views or arguments submitted to the Treasurer of the United States, U.S. Department of the Treasury, Washington, D.C. 20220, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: March 18, 1970.

[SEAL] JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

[F.R. Doc. 70-3457; Filed, Mar. 20, 1970;  
8:49 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[ 42 CFR Part 81 ]

### METROPOLITAN MIAMI INTRASTATE AIR QUALITY CONTROL REGION

#### Notice of Proposed Designation and Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Miami Intrastate Air Quality Control Region (Florida) as set forth in the following new § 81.49 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17-82, 5600 Fishers Lane, Rockville, Md. 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Florida and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 10 a.m., March 31, 1970, at the Auditorium of the Dade County Department of Public Health, 1350 Northwest 14th Street, Miami, Fla. 33125.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17-82, 5600 Fishers Lane, Rockville, Md. 20852 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.49 is proposed to be added to read as follows:

§ 81.49 Metropolitan Miami Intrastate Air Quality Control Region.

The Metropolitan Miami Intrastate Air Quality Control Region (Florida) consists of the territorial area encompassed

by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Florida:

Broward County. Palm Beach County.  
Dade County.

This action is proposed under the authority of sections 107(a) and 301(2) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: March 9, 1970.

JOHN T. MIDDLETON,  
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 70-3224; Filed, Mar. 20, 1970; 8:45 a.m.]

## DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[ 50 CFR Part 32 ]

### MINGO NATIONAL WILDLIFE REFUGE, MO.

#### Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.21 by the addition of Mingo National Wildlife Refuge, Mo., to the list of areas open to the hunting of upland game, as legislatively permitted.

It has been determined that regulated hunting of upland game may be permitted as designated on the Mingo National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.21 is amended by the following addition:

#### § 32.21 List of open areas; upland game.

\* \* \* \* \*

#### MISSOURI

Mingo National Wildlife Refuge.

\* \* \* \* \*

JOHN S. GOTTSCHALK,  
Director, Bureau of  
Sport Fisheries and Wildlife.

MARCH 11, 1970.

[F.R. Doc. 70-3409; Filed, Mar. 20, 1970; 8:45 a.m.]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Parts 1, 71, 91 ]

[Docket No. 9880; Notice 69-41B]

### "TERMINAL CONTROL AREAS": GENERAL

#### Supplemental Notice of Proposed Rule Making

##### Correction

In F.R. Doc. 70-3143 appearing at page 4519 in the issue for Friday, March 13, 1970, the fifth sentence of the second complete paragraph in the second column on page 4520 should read, "Other aircraft will receive normal IFR and VFR radar service."

[ 14 CFR Part 71 ]

[Airspace Docket No. 70-SW-12]

### TRANSITION AREA

#### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Durant, Okla.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the following transition area is added:

DURANT, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baker Field (lat. 33°56'30" N., long. 96°24'00" W.), and within 2.5 miles each side of the Perrin VOR 045° radial extending from the 5-mile radius area to 6.5 miles southwest of the airport.

The proposed transition area would provide controlled airspace for aircraft executing an instrument approach procedure proposed to serve Baker Field, Durant, Okla.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on March 6, 1970.

HENRY L. NEWMAN,  
Director, Southwest Region.

[F.R. Doc. 70-3414; Filed, Mar. 20, 1970; 8:46 a.m.]

[ 14 CFR Part 71 ]

[Airspace Docket No. 70-OE-14]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Salina, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Salina, Kans., terminal area, an amended ILS Runway 35 instrument approach procedure has been developed for the Salina, Kans., Municipal Airport. In addition, the criteria for designation of control zones and transition areas have been changed. Accordingly, it is necessary to alter the Salina control zone and transition area to adequately protect aircraft executing the amended approach procedure and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal

Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

**SALINA, KANS.**

Within a 5-mile radius at Salina Municipal Airport (latitude 38°47'30" N.; longitude 97°38'45" W.); within 1½ miles each side of the Salina VORTAC 192° radial, extending from the 5-mile radius zone to the VORTAC and within 2 miles each side of the Salina ILS localizer south course, extending from the 5-mile radius zone to 2½ miles north of the OM.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

**SALINA, KANS.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Salina Municipal Airport (latitude 38°47'30" N.; longitude 97°38'45" W.); within 4½ miles west and 9½ miles east of the Salina ILS localizer course, extending from 3 miles north to 18½ miles south of the ILS OM; and within 3 miles each side of the Salina VORTAC 012° radial extending from the 9-mile radius area to 8 miles north of the VORTAC, excluding those portions which overlie restricted area R-3601 and the McPherson, Kans., 700-foot floor transition area; and that airspace extending upward from 1200 feet above the surface within a 27-mile radius of the Salina, Kans., VORTAC, extending from the Salina VORTAC 080° radial clockwise to the Salina VORTAC 180° radial; within a 14-mile radius of the Salina VORTAC extending from the Salina VORTAC 271° radial clockwise to the Salina VORTAC 080° radial; and within 9½ miles west and 4½ miles east of the Salina VORTAC 012° radial extending from the 14-mile radius area to 18½ miles north of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 27, 1970.

JOHN A. HARGRAVE,  
*Acting Director, Central Region.*

[F.R. Doc. 70-3415; Filed, Mar. 20, 1970;  
8:46 a.m.]

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 70-CE-17]

**TRANSITION AREA**

**Proposed Designation**

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Huntington, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this

notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Huntington, Ind., Municipal Airport, utilizing the Fort Wayne VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a 700-foot floor transition area at Huntington, Ind. The new procedure will become effective concurrently with the designation of the transition area. IFR air traffic at this location will be controlled by Fort Wayne Approach Control.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is added:

**HUNTINGTON, IND.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Huntington Municipal Airport (latitude 40°51'00" N.; longitude 85°25'00" W.), excluding the portion which overlies the Fort Wayne, Ind., 700-foot floor transition area.

This amendment is proposed under the authority of section 307(a) of Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 27, 1970.

JOHN A. HARGRAVE,  
*Acting Director, Central Region.*

[F.R. Doc. 70-3416; Filed, Mar. 20, 1970;  
8:46 a.m.]

**CIVIL AERONAUTICS BOARD**

**[ 14 CFR Parts 208, 214, 295 ]**

[Docket No. 21666; EDR-173B]

**OVERSEAS MILITARY PERSONNEL  
CHARTERS**

**Supplemental Notice of Proposed  
Rule Making**

MARCH 18, 1970.

The Board, by circulation of Notice of Proposed Rule Making EDR-173, dated

December 1, 1969, and publication at 34 F.R. 19297, gave notice that it had under consideration proposed amendments to Parts 208, 214, and 295 which would establish a class of charter for overseas military personnel and their immediate families. The time for submitting comments on the proposal was extended to March 7, and numerous comments have been received.

It has been noted that comments addressed to specific proposals contained in EDR-173 include alternative proposals, suggestions and recommendations, particularly in the comments received from the Department of Defense, air carriers, and travel agents. The Board believes that it would be assisted in the consideration of these alternate proposals, if it had the benefit of reply comment thereon, and shall permit reply comment to be filed on or before April 8, 1970. It is emphasized, however, that only comments addressed to initial comments will be considered. Initial comments are available for inspection at the location indicated below.

In view of the fact that reply comments may be filed and in light of the number and nature of initial comments already filed, it is apparent that final action in this rule-making proceeding will not come for some months. We allude to this fact here, since the Board has received a number of comments and other correspondence from individuals expressing concern over the impact of the proposed rule on travel plans to which they are already committed. The Board will, of course, also consider the extent of travel commitments in connection with any final action it may take in the proceeding. In any event, the Board does not anticipate taking any action which will disturb travel plans during the 1970 summer season.

Accordingly, interested persons may participate in the proposed rule making through submission of twelve (12) copies<sup>1</sup> of written data, views or arguments, in reply to initial comments, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before April 8, 1970, will be considered by the Board before taking action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
*Secretary.*

[F.R. Doc. 70-3448; Filed, Mar. 20, 1970;  
8:48 a.m.]

<sup>1</sup>A number of individuals filing initial comments have objected to the requirement of 12 copies in EDR-173 as an attempt to discourage comment in this proceeding. This is a uniform requirement in our rule-making proceedings and assures distribution to Board Members and pertinent staff components in order that the views expressed may receive appropriate dissemination and attention.

# Notices

## FEDERAL POWER COMMISSION

[Docket No. RI70-1357, etc.]

### GULF OIL CORP. ET AL.

#### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund<sup>1</sup>

MARCH 13, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be sus-

pended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all pur-

chasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.<sup>2</sup>

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before April 27, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,  
Secretary.

<sup>2</sup> If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

#### APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-1357..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	396	2	Northern Natural Gas Co. (Northeast Oates Field, Pecos County, Tex.) (R.R. District No. 8) (Permian Basin Area).	\$737	2-9-70	2-9-70	2-10-70	14.0005	14.0005	
.....do.....	.....do.....	23	9	United Gas Pipe Line Co. (Mustang Island Field, Nueces County, Tex.) (R.R. District No. 4).	185	2-16-70	2-16-70	2-17-70	15.0	15.0563	
.....do.....	.....do.....	404	1	Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Block 184 Field, Ship Shoal Area) (Offshore Louisiana).	1,350	2-16-70	3-19-70	3-20-70	10 12 13 18.5	9 9 10 11 20.0	
RI70-1358..	Union Drilling, Inc., et al.	127	11	Consolidated Gas Supply Corp. (Elk, Pleasant, and Cove Districts, Barbour County and Court House and Flemington Districts, Taylor County, W. Va.).	12,000	2-18-70	3-21-70	3-22-70	27.0	17 18 28.0	
RI70-1359..	Continental Oil Co.....	146	1 to 9	El Paso Natural Gas Co. (Keystone-Mekes Field, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	(12)	2-19-70	3-2-70	3-2-70	14.64	14.6949	
RI70-1360..	Mareve Oil Corp.....	215	25	Consolidated Gas Supply Corp. (Various Districts, Roane and Calhoun Counties, W. Va.).	1,800	2-19-70	3-22-70	3-23-70	27.0	17 18 28.0	
RI70-1361..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	461	1	Southern Natural Gas Co. (Main Pass Block 144) (Offshore Louisiana).	10,950	2-13-70	3-16-70	3-17-70	10 12 23 18.5	9 10 22 20.0	
RI70-1362..	Union Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	271	1	Sea Robin Pipeline Co. (Block 222, Ship Shoal Area) (Offshore Louisiana). <sup>23</sup>	3,375	2-13-70	3-16-70	3-17-70	10 12 23 18.5	9 10 22 20.0	
RI70-1363..	H. N. Burnett, 328 First National Bank Bldg., Amarillo, Tex. 79105.	13	1	J. M. Huber Corp. <sup>24</sup> (W. Panhandle Field, Carson County, Tex.) (R.R. District No. 10).	4,300	2-13-70	3-4-70	4-2-70	13.0	14.0	

<sup>1</sup> The stated effective date is the date of filing pursuant to the Commission's Order No. 390.

<sup>2</sup> The suspension period is limited to 1 day.

<sup>3</sup> Tax reimbursement increase.

<sup>4</sup> Pressure base is 14.65 p.s.i.a.

<sup>5</sup> The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.

<sup>6</sup> Filed pursuant to paragraph (A) of Opinion No. 546-A.

<sup>7</sup> Pressure base is 15.025 p.s.i.a.

<sup>8</sup> Subject to quality adjustments.

<sup>9</sup> Footnote 11 not used.

<sup>10</sup> Area base rate for gas well gas as determined in Opinion No. 546 for third vintage gas well gas.

<sup>11</sup> Conditioned initial rate for gas well gas pursuant to temporary certificate issued in Docket No. CI63-935.

<sup>12</sup> Contract dated after Sept. 23, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1.

<sup>13</sup> Includes letter from buyer providing for 1-cent increase for gathering done by seller.

<sup>14</sup> The stated effective date is the first day after expiration of the statutory notice.

<sup>15</sup> Renegotiated rate increase.



- <sup>11</sup> Pressure base is 15,325 p.s.i.a.  
<sup>12</sup> No production at present time.  
<sup>13</sup> Includes letter from buyer providing for 1-cent increase in gathering done by seller.  
<sup>14</sup> Contract dated after Sept. 23, 1969, the date of issuance of the Commission's Statement of General Policy No. 61-1.  
<sup>15</sup> Rate filed pursuant to paragraph (A) of Opinion No. 546-A.  
<sup>16</sup> Conditioned initial rate for gas well gas as provided for in the temporary certificate issued in Docket No. CI70-459.  
<sup>17</sup> Name changed to Pennzoll Producing Co., effective Jan. 1, 1970.

Union Drilling, Inc., requests an effective date of February 18, 1970, for its renegotiated rate increase. Continental Oil Co. requests a retroactive effective date of October 1, 1969, for its proposed tax reimbursement increase. Mareve Oil Corp. requests that its proposed rate increase be permitted to become effective as of January 19, 1970. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Several of the proposed rate increases herein reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. The producers' proposed rate increases exceed the applicable area ceiling rate for the areas involved as set forth in the Commission's Statement of General Policy No. 61-1, as amended, and should be suspended for 1 day from the date of filing, pursuant to the Commission's Order No. 390 issued October 10, 1969.

The contracts related to Union Drilling, Inc. (Union Drilling), and Mareve Oil Corp.'s (Mareve), rate filings were executed subsequent to September 28, 1969, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed rates exceed the area increased rate ceilings but do not exceed the initial service ceilings for the areas involved. We believe, in this situation, Union Drilling and Mareve's proposed rate filings should be suspended for 1 day from March 21, 1970 (Union Drilling), and March 22, 1970 (Mareve), the expiration dates of the statutory notice.

The proposed rate increases filed by Mobil Oil Corp. (Mobil), Gulf Oil Corp. (Gulf) (Supplement No. 1 to Gulf's FPC Gas Rate Schedule No. 404), and Union Producing Co. (Union), from 18.5 cents to 20 cents per Mcf involve sales of third vintage gas well gas in Offshore Louisiana and were filed pursuant to ordering paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price of 18.5 cents as adjusted for quality and permitted such producers to file for contractually authorized increases up to the 20 cents base rate established in Opinion No. 546 for onshore gas well gas. These producers were issued temporary certificates authorizing the collection of the third vintage price established in Opinion No. 546 (18.5 cents for offshore gas well gas subject to quality adjustments).

Consistent with previous Commission action on similar rate filings, we conclude Mobil, Gulf, and Union's proposed rate increases should be suspended for 1 day from

the date of expiration of the statutory notice, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69-1.

H. N. Burnett (Burnett), proposes a periodic increase for a sale to J. M. Huber Corp. (Huber), in Texas Railroad District No. 10. Huber gathers and processes gas in the area and resells the residue gas to interstate pipeline companies at various resale rates, some of which are effective subjects to refund. It cannot be determined under which of Huber's rate schedules the gas is sold, however, Burnett's proposed rate is not contractually geared or related to any of Huber's resale rates in the area. Since Burnett's proposed rate increase exceeds the area increased rate ceiling for the area involved, we conclude that it should be suspended for one day from April 1, 1970, the proposed effective date.

[F.R. Doc. 70-3378; Filed, Mar. 20, 1970; 8:45 a.m.]

[Docket No. RI70-1364]

#### MOBIL OIL CORP.

#### Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 13, 1970.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I),

#### APPENDIX A

Docket No.	Respondent	Rate scheduled No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-1364..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	407	24	Texas Eastern Transmission Corp. (Block 6 Field, Main Pass Area, Offshore Louisiana) (Federal Domain).	\$7,990	2-11-70	3-3-70	3-15-70	19.5	20.0	.

<sup>2</sup> Applicable only to the sale of gas well gas from the 7,000 foot sand reservoir.

<sup>3</sup> The stated effective date is the first day after expiration of the statutory notice.

<sup>4</sup> The suspension period is limited to 1 day.

<sup>5</sup> Filed pursuant to Opinion No. 546-A based on the rate levels established in Opinion No. 607.

<sup>6</sup> Pressure base is 15,025 p.s.i.a.

<sup>7</sup> Initial rate, subject to a refund floor of 16.5 cents, as conditioned by temporary certificate issued Nov. 14, 1967, in Docket No. CI69-165.

<sup>18</sup> United Gas Pipe Line Co. (Co-owner of Sea Robin), and Union are wholly subsidiaries of Pennzoll United, Inc.

<sup>19</sup> Conditioned initial rate for gas well gas pursuant to temporary certificate issued in Docket No. CI69-256.

<sup>20</sup> It cannot be determined under which Huber's resale contracts the gas involved is dedicated. Huber gathers and processes gas in the area and resells the residue gas to interstate pipeline companies at various resale rates, some of which are in effect subject to refund.

<sup>21</sup> The stated effective date is the effective date requested by respondent.

<sup>22</sup> Periodic rate increase.

and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.<sup>1</sup>

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 30, 1970.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

<sup>1</sup> If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

Mobil Oil Corp. (Mobil), requests a retroactive effective date of November 1, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Mobil's rate filing and such request is denied.

Mobil's proposed rate increase from 18.5 cents to 20 cents per Mcf involves a sale of third vintage gas well gas in Offshore Louisiana and was filed pursuant to ordering paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas-well gas under contracts entitled to a third vintage price of 18.5 cents as adjusted for quality and permitted such producers to file for contractually authorized increases up to the 20 cents base rate established in Opinion No. 546 for onshore gas-well gas. Mobil was issued a temporary certificate authorizing the collection of the third vintage price established in Opinion No. 546 (18.5 cents for offshore gas-well gas subject to quality adjustments).

Consistent with previous Commission action on similar rate filings, we conclude that Mobil's proposed rate increase should be suspended for 1 day from March 14, 1970, the date of expiration of the statutory notice. Thereafter, the proposed increased rate may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the area rate proceeding instituted in Docket No. AR69-1.

[F.R. Doc. 70-3379; Filed, Mar. 20, 1970; 8:45 a.m.]

[Docket No. RI70-1354, etc.]

## RODEN OIL CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>

MARCH 13, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules<sup>2</sup> for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

<sup>2</sup> Producers operating under small producer certificates are permitted to file above-celling rate increases in the Permian Basin Area without submitting rate schedules as a result of Order No. 394 issued Jan. 6, 1970. Where the words "supplement" or "rate schedules" appear in this order, they refer to the notices of change in rate filed by the small producers herein.

#### APPENDIX A

Docket No.	Respondent	Rate Schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-1354..	Roden Oil Co.....	(2)	(2)	Natural Gas Pipeline Co. of America (Lockridge Field, Ward County, Tex.) (RR. District No. 8) (Permian Basin Area).	\$14,243	2-16-70	3-19-70	8-19-70	\$14.7015	\$15.6510	
RI70-1355..	Texam Oil Corp.....	(9)	(9)	El Paso Natural Gas Co. (Spraberry Area, Reagan County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	22,346	2-17-70	3-20-70	8-20-70	14.50	\$15.29325	
RI70-1356..	R. L. Foree.....	(11)	(11)	El Paso Natural Gas Co. (Spraberry Trend Field, Midland and Upton Counties, Tex.) (RR. District Nos. 8 and 7-C) (Permian Basin Area).	8,145	2-13-70	3-16-70	8-16-70	41.5	\$12.19.0	

<sup>2</sup> No rate schedule on file. Respondent issued small producer certificate in Docket No. CS69-33.

<sup>3</sup> The stated effective date is the effective date requested by respondent.

<sup>4</sup> The suspension period is limited to 1 day.

<sup>5</sup> Increase to contract rate. Relates to contract dated August 21, 1967.

<sup>6</sup> Pressure base is 14.65 p.s.i.a.

<sup>7</sup> Excludes 1.9075 cents per Mcf downward B.t.u. adjustment as provided by contract.

<sup>8</sup> Excludes 1.7985 cents per Mcf downward B.t.u. adjustment as provided by

R. L. Foree (Foree), requests a retroactive effective date of January 9, 1970, for his proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Foree's rate filing and such request is denied.

The proposed rate increases herein are filed by holders of small producer certificates for Permian Basin sales. The proposed increases exceed the rate ceilings set forth in § 157.40(b) of the Commission's regulations for sales made under Small Producer Certificates and should be suspended for 5 months from the date shown in the "Effective date" column of Appendix "A" hereof.

[F.R. Doc. 70-3380; Filed, Mar. 20, 1970; 8:45 a.m.]

[Docket No. RI70-1225, etc.]

## ADOBE OIL CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

MARCH 12, 1970.

In the order providing for hearings on and suspension of proposed changes in rates, issued February 27, 1970, and published in the FEDERAL REGISTER March 11, 1970 (35 F.R. 4337), Appendix A, line 1: Docket No. RI70-1263, Albert Gackle (Operator), et al., under column headed "Purchaser and producing area" delete "Transwestern Pipeline Co. (Bartow

that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 30, 1970.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

contract.

<sup>9</sup> No rate schedule on file. Respondent issued small producer certificate in Docket No. CS66-108.

<sup>10</sup> Fractured increase. Contract rate is 19 cents plus tax reimbursement. Relates to contract dated Sept. 24, 1965.

<sup>11</sup> No rate schedule on file. Respondent issued small producer certificate in Docket No. CS66-83.

<sup>12</sup> Increase to contract rate. Relates to contract dated May 2, 1957.

(Fusselman) Field, Ward County, Tex.) (RR. District No. 8) (Permian Basin Area)" and insert "El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex. (Permian Basin Area)." Under columns headed "Docket No." and "Respondent" delete "Docket No. RI70-1264" and "El Paso Natural Gas Co. (Operator) et al." Under columns headed "Docket No." and "Respondent" delete "Docket No. RI70-1265" and "Jalmat Field, Lea County, N. Mex., Permian Basin." Appendix A, Docket No. RI70-1266—Fluor Corp.: Under column headed "Purchaser and producing area" delete "Same as above" and insert "El Paso Natural Gas Co., Langmat Pool, Lea County, N. Mex. (Permian Basin)." Under columns headed



"Docket No." and "Respondent" delete "Docket No. RI70-1268" and Langmat Pool, Lea County, N. Mex., Permian Basin." Under Columns headed "Docket No." and "Respondent" delete Docket No. RI70-1267" and "El Paso Natural Gas Co."

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 70-3430; Filed, Mar. 20, 1970;  
8:47 a.m.]

[Docket No. CP70-216]

## EAST TENNESSEE NATURAL GAS CO.

### Notice of Application

MARCH 17, 1970.

Take notice that on March 11, 1970, East Tennessee Natural Gas Co. (applicant), Post Office Box 10245, Knoxville, Tenn. 37919, filed in Docket No. CP70-216 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing additional sales of natural gas and the construction and operation of facilities necessary thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to meet the additional peak day natural gas requirements of certain of its existing customers commencing in the 1970-71 winter season. Applicant further proposes to install an additional 1,000 horsepower compressor unit at each of its existing Tennessee compressor stations at Monterey, Boyds Creek, and Carthage; and to install and operate approximately 4.5 miles of 6 $\frac{5}{8}$ -inch O.D. pipeline loop on its Greeneville lateral.

Applicant states that the proposed facilities will provide it with a daily design capacity of 325,439 Mcf of natural gas, as compared with the previously authorized 303,310 Mcf per day.

The total estimated cost of the proposed facilities is \$1,145,000, which will be financed by general funds and/or advances from associated companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 7, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and proce-

dures, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 70-3431; Filed, Mar. 20, 1970;  
8:47 a.m.]

[Docket No. CP70-214]

## INDIANA GAS CO., INC., AND PANHANDLE EASTERN PIPE LINE CO.

### Notice of Application

MARCH 17, 1970.

Take notice that on March 10, 1970, Indiana Gas Co., Inc. (applicant), 1630 North Meridian Street, Indianapolis, Ind. 46202, filed in Docket No. CP70-214 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (respondent) to establish physical connection of its main pipeline system with the proposed system of applicant, and to sell and deliver to applicant volumes of natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate an 8-inch supply line and a local gas distribution system in Fishers, Ind., and environs, and seeks an order of the Commission directing respondent to establish physical connection of its transportation facilities thereto, with a new metering and sales point.

Applicant's third-year peak day and annual natural gas requirements are 385.41 Mcf and 41,682.8 Mcf, respectively, at 14.73 p.s.i.a.

The total estimated cost for the proposed facilities is \$116,918.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 7, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 70-3432; Filed, Mar. 20, 1970;  
8:47 a.m.]

[Dockets Nos. CS70-35, CS70-36]

## LARIO OIL & GAS CO. AND ALFRED J. WILLIAMS

### Notice of Applications for "Small Producer" Certificates<sup>1</sup>

MARCH 12, 1970.

Take notice that on February 9, 1970, Lario Oil & Gas Co., 301 South Market Street, Wichita, Kans. 67202, and on February 19, 1970, Alfred J. Williams, 230 Park Avenue, New York, N.Y. 10017, filed in Dockets Nos. CS70-35 and CS70-36, respectively, applications pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 1, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 70-3433; Filed, Mar. 20, 1970;  
8:47 a.m.]

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein.

[Dockets Nos. RP69-35, RP70-20]

**PANHANDLE EASTERN PIPE LINE CO.****Notice of Motion for Approval of Stipulation and Agreement and for Acceptance of Proposed Changes in Rates and Charges**

MARCH 17, 1970.

Take notice that on March 11, 1970, Panhandle Eastern Pipe Line Co. (Panhandle) filed a motion for approval of a stipulation and agreement pursuant to which Panhandle will reduce its jurisdictional rates and charges commencing April 1, 1970, as filed in the above docketed proceedings. Panhandle states that the stipulation and agreement, when approved by the Commission, will resolve all issues herein. In addition to the rate reductions, the proposed agreement provides for refunds to reflect lower rates as of November 20, 1969, and until March 31, 1970.

The agreement also provides for flow-through to customers of possible supplier refunds and for contingent rate changes to reflect increases and decreases in supplier rates and Federal income tax rates, with certain exceptions. Other than such changes to reflect supplier and tax changes, Panhandle agrees not to file a rate increase which would become effective prior to September 1, 1971, unless Trunkline Gas Co. files a major rate increase or Panhandle attaches a major new supply source.

Copies of the motion and stipulation and agreement have been served on all of Panhandle's customers, parties of record and interested State commissions. Comments or objections relating to the proposed agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before April 2, 1970.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 70-3434; Filed, Mar. 20, 1970;  
8:47 a.m.]

[Docket No. G-6508]

**TEXAS EASTERN TRANSMISSION CORP. AND TRUNKLINE GAS CO.****Notice of Petition To Amend**

MARCH 17, 1970.

Take notice that on March 9, 1970, Texas Eastern Transmission Corp. (Texas Eastern), Post Office Box 2521, Houston, Tex. 77001, and Trunkline Gas Co. (Trunkline), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. G-6508 a petition to amend the order of the Commission issued on January 3, 1956, to authorize the exchange of natural gas between them at two additional points between their pipeline systems and to construct and operate facilities to effect such exchanges, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order applicants were authorized to exchange gas at points of interconnection in Wharton County, Tex., and Williamson County, Ill. Applicants proposed to exchange gas

at additional points: A point of common connection to a gas processing plant in Hidalgo County, Tex., and at the crossing of their main transmission lines in Allen Parish, La. Applicants further propose to tap their main transmission lines and install side valves at the proposed point in Allen Parish, and Texas Eastern proposes to construct and operate the metering and interconnecting facilities at that point.

The total estimated cost of the measuring and regulating station, and interconnection facilities in Allen Parish is \$74,600.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 70-3435; Filed, Mar. 20, 1970;  
8:47 a.m.]

[Docket No. CP70-218]

**TEXAS GAS TRANSMISSION CORP.****Notice of Application**

MARCH 17, 1970.

Take notice that on March 12, 1970, Texas Gas Transmission Corp. (applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP70-218 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 19.71 miles of 36-inch loop line in Louisiana; 17.65 miles of 36-inch loop line in Mississippi, Tennessee, and Kentucky; one 9,100 horsepower compressor unit in the Lafayette, La. Compressor Station; and a new 9,100 horsepower compressor station near Morgan City, La. Applicant states the proposed facilities are required to meet the incremental annual requirements of its customers from their present contract demands.

The total estimated cost of the proposed facilities is \$13,448,000, to be financed by funds from related earnings, temporary borrowings, or a combination of both.

Any person desiring to be heard or to make any protest with reference to said

application should on or before April 7, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 70-3436; Filed, Mar. 20, 1970;  
8:47 a.m.]

[Docket No. CP70-212]

**UNION LIGHT, HEAT AND POWER CO.****Notice of Application**

MARCH 17, 1970.

Take notice that on March 9, 1970, The Union Light, Heat and Power Co. (applicant), Post Office Box 960, Cincinnati, Ohio 45201, filed in Docket No. CP70-212 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of liquefied natural gas (LNG) and the construction and operation of facilities necessary thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate an LNG production plant located in Erlanger, Ky., capable of daily production of approximately 12,000 gallons of LNG from 1,000 Mcf of natural gas and in operation approximately 300 days

<sup>1</sup> Applicant, in the alternative, requests the Commission to issue a disclaimer of jurisdiction over the proposed operations and sales.

of the year; and an LNG storage facility having a nominal capacity of 160,000 gallons of LNG. Applicant further proposes to sell quantities of LNG to the Cincinnati Gas & Electric Co. (CG & E), of which applicant is a subsidiary, and to Lawrenceburg Gas Co. (LG), of which applicant is an affiliate, for resale in the States of Ohio and Indiana. Applicant further proposes sales to other local gas distribution companies or natural gas pipeline companies having use for such LNG, and direct sales to ultimate consumers within and without the State of Kentucky.

Applicant states that its third-year production for resale will be estimated to be 2,331,480 gallons of LNG.

The total estimated cost of the proposed facilities is \$1,150,000, which will be financed by internally generated capital and bank loans pursuant to existing revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 7, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-3437; Filed, Mar. 20, 1970;  
8:47 a.m.]

[Docket No. RP70-24]

## UNITED NATURAL GAS CO.

### Notice of Proposed Changes in Rates and Charges

MARCH 17, 1970.

Take notice that United Natural Gas Co. (United Natural), on March 12, 1970,

tendered for filing proposed changes in its FPC Gas Tariff, Volume No. 1,<sup>1</sup> to become effective on April 27, 1970. The proposed rate changes would increase charges for jurisdictional service by \$620,974 annually, based on sales volumes for the 12-month period ended October 31, 1969 as adjusted.

United Natural states that the reason and basis for filing the rate increase results from increased purchased gas costs, administrative expenses, taxes and salaries and wages. The filing reflects a 7.5-percent rate of return. Copies of the tender have been served on all customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-3438; Filed, Mar. 20, 1970;  
8:48 a.m.]

## FEDERAL RESERVE SYSTEM

### C. B. INVESTMENT CORP.

#### Order Approving Application Under Bank Holding Company Act

In the matter of the application of C. B. Investment Corp., Houston, Tex., for approval of acquisition of 222 shares of The Lake Jackson Bank of Lake Jackson, Texas.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of C.B. Investment Corp., Houston, Tex., for the Board's prior approval of the acquisition of 222 of the voting shares of The Lake Jackson Bank of Lake Jackson, Texas, Lake Jackson, Tex.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banks of the State of Texas, and requested his views and recommendation. The Commissioner replied that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 10, 1970 (35 F.R. 2803),

<sup>1</sup> Fifteenth Revised Sheet No. 4 and Seventeenth Revised Sheet No. 5.

providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement<sup>1</sup> of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,<sup>2</sup>  
March 13, 1970.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc. 70-3401; Filed, Mar. 20, 1970;  
8:45 a.m.]

## POST OFFICE DEPARTMENT

### PRIVATE EXPRESS STATUTES

#### Suspension in New York Area

The following is the text of the order issued by the Postmaster General on March 18, 1970:

In view of the work stoppage involving postal employees that is currently impairing mail service in and about New York City and certain outlying areas, and pursuant to the authority vested in me by 39 United States Code 901(b), I hereby suspend the operation of paragraphs (1) through (6) of 39 U.S.C. 901(a) in respect to any carriage of letters out of the mails that originates in, or is destined for delivery in, New York City and its immediate vicinity and that results from the impairment of mail service by the Post Office Department in and about New York City. This suspension shall remain in effect until further notice.

(5 U.S.C. 301, 39 U.S.C. 501, 901(a), 901(b))

DAVID A. NELSON,  
General Counsel.

[F.R. Doc. 70-3527; Filed, Mar. 20, 1970;  
10:11 a.m.]

## MAIL EMBARGO

### New York Metropolitan Area and Northern New Jersey

New York metropolitan area. On March 18, 1970, the Post Office Department issued the following instructions to all Regional Directors of the Post Office Department:

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20561, or to the Federal Reserve Bank of Dallas.

<sup>2</sup> Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Maisel.

Supplementing earlier message re New York City postal interruption, the Postmaster General has ordered an embargo on the acceptance of mail of all classes destined for New York City, Bronx, Brooklyn, Flushing, Far Rockaway, Jamaica, Long Island City, Staten Island, Mineola, Hicksville, Riverhead. This includes ZIP Codes 100-104 and 110-119.

On March 19, 1970, the Post Office Department issued the following additional instructions to all Regional Directors of the Post Office Department:

Re previous messages concerning embargo of all mail to New York Metropolitan area, ZIP Codes 105 through 109 should be added to numbers previously furnished. Amended embargo effective immediately for all classes of mail originating in or destined for the New York area covers ZIP Codes 100 through 119.

**Northern New Jersey.** On March 19, 1970, the Post Office Department issued the following instructions to all Regional Directors of the Post Office Department:

The Postmaster General has ordered an immediate embargo on all classes and types of mail other than letter size first class and air mail originating in or destined to northern New Jersey ZIP Code areas 070 through 077 inclusive and 079. The embargo also applies to acceptance of these categories of mail matter in the affected area.

In view of the emergency conditions resulting from the work stoppage involving postal employees in the areas mentioned above, it was necessary that the foregoing instructions be applied without delay. Accordingly, notice of proposed rule making and delay in the effective date would be impracticable and contrary to the public interest.

(5 U.S.C. 301, 39 U.S.C. 501, 701, 6106, 6107)

DAVID A. NELSON,  
General Counsel.

[F.R. Doc. 70-3528; Filed, Mar. 20, 1970;  
10:11 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management CALIFORNIA

#### Notice of Proposed Withdrawal and Reservation of Lands; Amendment

The Bureau of Land Management amends its revised application for withdrawal for geothermal resources, dated March 21, 1967, notice of which was published in the FEDERAL REGISTER on pages 4506 and 4507 of the issue of March 24, 1967, by deleting the following described lands:

#### MONO-LONG VALLEY GEOTHERMAL AREA MOUNT DIABLO MERIDIAN

T. 3S., R. 27 E.,  
Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  SW $\frac{1}{4}$ ;  
Sec. 27, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$  NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$  NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  SE $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 34, S $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ ;

Sec. 35, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$  SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$  SW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 36, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$  NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ .

T. 2 S., R. 26 E.,  
Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 11, lots 3 to 7, incl.;  
Sec. 14, lots 1, 2, and 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 15, lots 1 and 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$  NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$  SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$  W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 1 N., R. 26 E.,  
Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 9, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 16, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described aggregates approximately 1,242 acres of national forest lands in Mono County.

#### LASSEN GEOTHERMAL AREA MOUNT DIABLO MERIDIAN

T. 29 N., R. 4 E.,  
Sec. 34, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described aggregates approximately 240 acres of national forest lands in Tehama County.

Pursuant to the regulations in 43 CFR Subpart 2311, at 10 a.m. on the date of publication of this notice, the segregative effect of the revised application of March 21, 1967, will be terminated as to the foregoing lands.

JOHN O. CROW,  
Associate Director.

MARCH 16, 1970.

[F.R. Doc. 70-3404; Filed, Mar. 20, 1970;  
8:45 a.m.]

[Serial No. N-3849]

## NEVADA

### Notice of Classification of Public Lands for Transfer Out of Federal Ownership

MARCH 12, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are hereby classified for transfer out of Federal ownership under one of the following statutes: Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421-27); section 8 of the Taylor Grazing Act (43 U.S.C. 315g). Publication of this notice has the effect of segregating the described lands from all forms of disposal under the public land laws, including the mining laws, except as to the forms of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral vegetative resources, other than the mining laws. Those lands described in paragraph 3a are further segregated from the mineral leasing laws. As used herein, "public lands" means any lands withdrawn or re-

served by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (43 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Following publication of a notice of proposed classification (34 F.R. 246), objection was raised to the disposal of lot 3 of sec. 7, T. 10 N., R. 22 E., through exchange, these lands are suitable for recreation and public purposes and are not being classified at this time. The public lands NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , sec. 24, T. 14 N., R. 19 E., MD Mer., Nevada, and S $\frac{1}{2}$  lot 2 of the SW $\frac{1}{4}$  (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ), SE $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 18, T. 14 N., R. 20 E., MD Mer., Nevada, proposed for recreation public purposes classification are not being classified at this time because their development will not be immediate. These lands will be included in a proposed classification under the Classification and Multiple-Use Act to be issued at a later date. Lot 2 of SW $\frac{1}{4}$  (W $\frac{1}{2}$ SW $\frac{1}{4}$ ) sec. 7, T. 14 N., R. 20 E., has been designated as proper for public land sale instead of private exchange to accommodate a public land sale application. The Reno-Sparks Indian Tribal Council by letter dated February 3, 1970, indicated an interest in NE $\frac{1}{4}$  sec. 28, T. 21 N., R. 19 E., MD Mer., Nevada. These lands are deleted from the classification. The following lands designated for private exchange are hereby deleted from the classification to accommodate an application for exchange and a community pit for fill material and the segregation effected by the notice of proposed classification is hereby terminated: N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 10, T. 19 N., R. 21 E., MD Mer., Nevada (community pit), E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 36, T. 18 N., R. 19 E., MD Mer., Nevada; NE $\frac{1}{4}$  sec. 28, T. 21 N., R. 19 E., MD Mer., Nevada. The area deleted aggregates 500 acres. The lands proposed to be classified for Point Reyes exchange have been deleted pending further study and comment by interested parties.

There were no objections from conservation groups or local government. The record showing the comments received and other information is on file and can be examined in the Carson City District Office, Carson City, Nev. The public lands affected by this classification are shown on maps on file and available for inspection in the Carson City District Office and the Nevada Land Office, Bureau of Land Management, Reno, Nev.

3. The lands are located in Washoe and Douglas Counties, Nev., and are described as follows:

a. The following lands are classified for disposal under the Public Land Sale Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1421-1427):

#### MOUNT DIABLO MERIDIAN, NEV.

##### WASHOE COUNTY

T. 19 N., R. 18 E.,  
Sec. 10, N $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .

##### DOUGLAS COUNTY

T. 14 N., R. 20 E.,  
Sec. 7, Lot 2 of SW $\frac{1}{4}$  (W $\frac{1}{2}$ SW $\frac{1}{4}$ ).

The public lands described aggregate 544.51 acres.

b. The following described lands are classified for exchange under section 8 (b) of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272, 49 Stat. 1976; 43 U.S.C. 315g; 43 CFR Subpart 2244):

MOUNT DIABLO MERIDIAN, NEV.

WASHOE COUNTY

- T. 21 N., R. 18 E.,  
Sec. 16, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 36, N $\frac{1}{2}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 18 N., R. 19 E.,  
Sec. 36, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 20 N., R. 19 E.,  
Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 21 N., R. 19 E.,  
Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 16, N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 22, SW $\frac{1}{4}$ ;  
Sec. 28, N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 17 N., R. 20 E.,  
Sec. 6, E $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 20 N., R. 21 E.,  
Sec. 6, All;  
Sec. 8, W $\frac{1}{2}$ ;  
Sec. 18, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

DOUGLAS COUNTY

- T. 10 N., R. 22 E.,  
Sec. 7, Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ).  
T. 14 N., R. 20 E.,  
Sec. 18, Lot 2 of NW $\frac{1}{4}$  (W $\frac{1}{2}$ NW $\frac{1}{4}$ ), N $\frac{1}{2}$ Lot 2 of SW $\frac{1}{4}$  (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ).

The public lands described aggregate 2,964.94 acres.

4. Applications for exchange will not be accepted until such time as prospective exchange proponents have been furnished a statement that proposals are feasible in accordance with 43 CFR 2244.1-2(b) (1).

5. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of supervisory authority by the Secretary of the Interior for the purpose of administrative review. The exercise of supervisory authority by the Secretary shall automatically vacate the classification and reinstate the proposed classification together with its segregative effect as provided in 43 CFR 2411.1-2(d).

NOLAN F. KEIL,  
State Director, Nevada.

[F.R. Doc. 70-3427; Filed, Mar. 20, 1970; 8:47 a.m.]

# Fish and Wildlife Service YELLOWFIN TUNA FISHING IN EASTERN PACIFIC OCEAN

## Closure of Season

Notice is hereby given pursuant to § 280.5, Title 50, Code of Federal Regulations, as follows:

On March 18, 1970, the Director of Investigations of the Inter-American Tropical Tuna Commission recommended to the representatives of all nations having vessels operating in the regulatory area defined in 50 CFR 280.1 (g) that the yellowfin tuna fishing season be closed at 0001 hours, local time, on March 23, 1970, to assure that the established catch limit of 120,000 short

tons for 1970 will not be exceeded. (See announcement of the catch limit established for yellowfin tuna from the regulatory area published in the FEDERAL REGISTER of March 29, 1969, 34 F.R. 5950.)

I hereby announce that the 1970 season for the taking of yellowfin tuna without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours, local time in the area affected, March 23, 1970.

Issued at Washington, D.C., and dated March 19, 1970.

WILLIAM M. TERRY,  
Acting Director,  
Bureau of Commercial Fisheries.

[F.R. Doc. 70-3483; Filed, Mar. 20, 1970; 8:50 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 21456]

### AEROVIAS QUISQUEYANA, C. PER A.

#### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on April 3, 1970, at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Dated at Washington, D.C., March 18, 1970.

[SEAL] THOMAS L. WRENN,  
Chief Examiner.

[F.R. Doc. 70-3447; Filed, Mar. 20, 1970; 8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation DIRECTOR, ASCS COMMODITY OFFICE, KANSAS CITY, MO., ET AL.

#### Termination of Delegation of Authority

The Delegation of Authority entitled "Director, ASCS Commodity Office Et Al., Kansas City, Mo." published in the FEDERAL REGISTER of July 16, 1968 (33 F.R. 10156) authorizing certain persons in the ASCS Commodity Office, Kansas City, Mo., to receive information in behalf of the Executive Vice President, CCC, or his designees under policy No. MSF 124 2800, with Fireman's Fund Insurance Co., San Francisco, Calif., indicating a failure of a warehouseman to perform his obligations under certain CCC storage agreements is hereby terminated.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 16, 1970.

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 70-3425; Filed, Mar. 20, 1970; 8:47 a.m.]

## 1969 CROP LOAN COTTON

### Notice of Acquisition

All outstanding loans on cotton under Commodity Credit Corporation's 1969 Cotton Loan Program mature on July 31, 1970, unless Commodity Credit Corporation makes demand for payment at an earlier date. Notice is hereby given that if the borrower or a purchaser of his equity does not redeem the cotton securing any such outstanding loan before the close of business on July 31, 1970, and if Commodity Credit Corporation has not made demand for payment at an earlier date, Commodity Credit Corporation will, pursuant to the provisions of the loan agreement covering such loan, acquire title to such cotton at the close of business on July 31, 1970, and title thereto shall, without a sale thereof, vest in Commodity Credit Corporation at such time: *Provided*, That Commodity Credit Corporation will not acquire title to any cotton for which repayment has been mailed to the ASCS county office by letter postmarked (not patron postage meter date stamped) not later than July 31, 1970. As provided in the loan agreement, Commodity Credit Corporation will not pay for any market value which the cotton may have in excess of the loan value of the cotton plus applicable charges and interest. If the warehouse receipts representing any such cotton are sent to a local bank at the request of the producer or a purchaser of his equity, the loan value of the cotton, plus charges and interest, must be received by the local bank not later than the close of business on July 31, 1970. Any repayments made by mail to ASCS county offices must be postmarked (not patron postage meter date stamped) not later than July 31, 1970.

In the event a producer has made a fraudulent representation in the loan documents or in obtaining the loan, CCC shall credit the market value of the cotton as of the date title vests in CCC, as determined by CCC, against the amount due on the loan and the producer shall be personally liable for any balance due on the loan.

Signed at Washington, D.C., on March 16, 1970.

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 70-3420; Filed, Mar. 20, 1970; 8:46 a.m.]

[Amtd. 3]

### SALES OF CERTAIN COMMODITIES

#### Annual Sales List

The CCC Annual Sales List for the fiscal year ending June 30, 1970, published in 35 F.R. 2602 is amended to delete the provisions of section 42 entitled Nonfat dry milk—unrestricted use sales.

Signed at Washington, D.C., on March 17, 1970.

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 70-3419; Filed, Mar. 20, 1970; 8:46 a.m.]



## Consumer and Marketing Service HUMANELY SLAUGHTERED LIVESTOCK

### Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the list (35 F.R. 2895) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock is hereby amended as follows:

The reference to Samuels E-Tex Packing Co., Establishment 353, and the reference to cattle with respect to such establishment are deleted. The reference to sheep with respect to Maple Brook Packing House, Establishment 5301, is deleted. The reference to swine with respect to Metzger Packing Co., Inc., Establishment 7306, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Beefland International, Inc.	158	(*)						
E. W. Knelp, Inc.	169	(*)						
Triolo Brothers	706					(*)		
Sterling Colorado Beef Co.	823	(*)						
Bonanza Packing Co., Inc., of Montana	1475A	(*)				(*)		
G & C Packing Co.	2262	(*)		(*)				
Dixie Packing Co.	2271	(*)						
New Butte Butchering Co.	2439	(*)						
Bo Packing Co.	2536					(*)		
Cribbs Sausage Co.	7424					(*)		
Gartner-Harf Co.	7576	(*)	(*)	(*)				
New establishments reported: 11								
United Fryer & Stillman, Inc.	198			(*)				
Animal Husbandry Department, Texas Technological College.	236			(*)				
Robert L. Runtz, Inc.	395	(*)						
A. DiCillo & Sons, Inc.	448	(*)						
Goldring Packing Co., Inc.	490	(*)						
Frosty Morn Meats	731	(*)						
McCabe Packing Plant	1312	(*)						
George Braum Packing Co., Inc.	2239			(*)	(*)			
Lamesa Meat Co.	2272					(*)		
Jack Agee & Co.	2281				(*)			
J. W. Treuth & Sons, Inc.	2612	(*)						
Morris Mendel & Co.	5309					(*)		
O. E. Meat Packing Co., Inc.	6001	(*)						
Joe's Packing Co.	7022	(*)						
H. A. S. Sweetmeat, Inc.	7025					(*)		

Species added: 17

Done at Washington, D.C., on March 16, 1970.

G. H. Wise,  
Deputy Administrator,  
Consumer Protection.

[F.R. Doc. 70-3354; Filed, Mar. 20, 1970; 8:45 a.m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Dept. Organization Order 20-2]

### OFFICE OF AUDITS

#### Organization and Functions

This material supersedes the material appearing at 32 F.R. 13679 of September 29, 1967, and 33 F.R. 9240 of July 9, 1968.

**SECTION 1. Purpose.** This order delegates authority to the Director of Audits and prescribes the organization and functions of the Office of Audits.

**SEC. 2. General.** The Office of Audits shall be headed by a Director of Audits, who shall report and be responsible to the Assistant Secretary for Administration. The Director of Audits shall be assisted by a Deputy Director of Audits, who shall perform the functions of the Director of Audits during the latter's absence.

**SEC. 3. Delegation of authority.** .01 Pursuant to the authority vested in the Assistant Secretary for Administration

by Department Organization Order 10-5, and subject to the applicable provisions of law, regulation and such policies and directives as the Assistant Secretary for Administration may prescribe, the Director of Audits is delegated the authority vested in the Assistant Secretary for Administration with respect to all internal and external auditing responsibilities and functions of the Department. These responsibilities and functions shall include the conduct of a centralized audit function which shall apply to all organizational units of the Department, except as the Assistant Secretary for Administration may otherwise determine with respect to particular auditing tasks for designated organizational units. The centralized audit function involves the auditing of the operating, administrative, and financial activities of all organizational units, and the auditing of selected claims, costs, cost proposals, and cost and pricing data arising from contracts, grants, subsidies, loans, or other similar agreements entered into, or proposed by, operating units and departmental offices of the Department.

.02 Subject to such conditions and directives in the exercise of such authority as he may prescribe, the Director of Audits may redelegate his authority to appropriate officials of the Office of Audits. He may also arrange with other Federal, State, and local agencies, and other organizations, to make external audits.

**SEC. 4. Organization and functions.** .01 The Office of Audits shall consist of:

Office of the Director:

Director.

Deputy Director.

Audit Policy Staff.

Contract, Grant, Loan, and Subsidy Audit Division.

Fiscal and Special Internal Audit Division.

Comprehensive Internal Audit Division 1.

Comprehensive Internal Audit Division 2.

Comprehensive Internal Audit Division 3.

Comprehensive Internal Audit Division 4.

.02 The Director of Audits shall be responsible for the overall supervision and direction of the Office of Audits. He shall be the adviser to, and serve as the representative of, the Assistant Secretary for Administration on all internal and external audit matters of the Department, and shall serve as adviser to other Departmental officials with respect to these matters. He shall represent the Department in conferences and negotiations with officials of other Federal agencies or other groups with respect to audit matters.

.03 The Deputy Director of Audits shall be the chief operating aide to the Director of Audits on substantive audit matters and shall be responsible for managing the audit staff. In consultation and cooperation with the Office of Personnel, he shall be responsible to the Director of Audits for obtaining a high quality professional staff, for developing and prescribing programs designed to further the career development of individual staff members, and for obtaining appropriate recognition of the professional character of the work done by members of the audit staff. He shall perform such other duties and assignments as the Director of Audits may prescribe.

.04 The Audit Policy Staff shall develop departmentwide policies, procedures, and standards for planning, programing, executing, and reporting on all audits. It shall coordinate, review and revise, as appropriate, individual audit programs and annual and 5-year audit plans prepared by the operating divisions in the Office; maintain surveillance, through reports and conferences, over audits in process to determine compliance with approved plans and programs; postreview selected audits in detail as a quality control; review, reference, edit, and process audit reports; maintain followup on audit findings and recommendations; coordinate operating unit and departmental office responses to and comments on General Accounting Office reports; and carry out such other duties and assignments as the Director of Audits may prescribe.

.05 The Contract, Grant, Loan, and Subsidy Audit Division shall carry out, or arrange for, site audits of documentation in support of claims, costs, cost pro-

posals, and cost and pricing data arising from selected contracts, grants, subsidies, loans, and other similar agreements, entered into or proposed by all operating units and departmental offices. It shall carry out or arrange for site audits of contracts, grants, or similar agreements, or proposals thereto, as requested by the Department officials and agreed to by the Director of Audits. It shall make any necessary arrangements with other Federal, State, and local agencies, or with any other organizations, for the performance of audits of such contracts, grants, or other agreements, on a reimbursable or other basis, and shall prescribe the scope of such audits and maintain liaison with the auditing agency or organization.

.06 The Fiscal and Special Internal Audit Division shall carry out audits of the fiscal activities of the operating units and departmental offices including payroll, travel, property, cash funds, other accounting records and controls, and financial and statistical statements and reports. It shall participate in formulating departmental accounting principles, standards, and procedures as suggested by audit findings, and shall carry out such special audits and examinations as may be requested by Secretarial Officers and other officials, and agreed to by the Director of Audits or the Assistant Secretary for Administration.

.07 The four Comprehensive Internal Audit Divisions shall carry out, on a cyclical basis, comprehensive audits of the operating, administrative, and financial activities of the operating units and departmental offices. Each Comprehensive Audit Division is assigned, as specified below, a group of organizations of the Department which normally it will audit:

Division	Organizations to audit
Comprehensive Internal Audit Division 1.	Environmental Science Services Administration. National Bureau of Standards. Patent Office. Office of State Technical Services. Office of Product Standards. Office of Telecommunications.
Comprehensive Internal Audit Division 2.	Business and Defense Services Administration. Bureau of International Commerce. Office of Field Services. Office of Foreign Commercial Services. Office of Administration (DIB). Office of Publications and Information (DIB). Bureau of the Census. Office of Business Economics. U.S. Travel Service. Office of Foreign Direct Investments.
Comprehensive Internal Audit Division 3.	Economic Development Administration. Office of the Secretary. Office of Minority Business Enterprise.
Comprehensive Internal Audit Division 4.	Maritime Administration.

Effective date: March 9, 1970.

LARRY A. JOBE,  
Assistant Secretary  
for Administration.

[F.R. Doc. 70-3408; Filed, Mar. 20, 1970;  
8:45 a.m.]

## ATOMIC ENERGY COMMISSION

### PLUTONIUM AND URANIUM ENRICHED IN U<sup>233</sup>

#### Guaranteed Purchase Prices

##### Correction

At page 4663 in the issue for Tuesday, March 17, 1970, in paragraph 2, line 3, preceding the word "enriched", insert the words "and to uranium".

## CIVIL SERVICE COMMISSION

### CIVIL AERONAUTICS BOARD

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Civil Aeronautics Board to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Chairman, Office of the Members.

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[SEAL]

[F.R. Doc. 70-3444; Filed, Mar. 20, 1970;  
8:48 a.m.]

## MEDICAL TECHNOLOGISTS

### Notice of Establishment of Special Minimum Salary Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges in the following locations for the grades indicated.

#### GS-644 MEDICAL TECHNOLOGIST

Effective date: March 22, 1970.

GEOGRAPHIC COVERAGE: WASHINGTON, D.C. SMSA

##### PER ANNUM RATES

Grade	1 <sup>1</sup>	2	3	4	5	6	7	8	9	10
GS-5.....	\$7,206	\$7,412	\$7,618	\$7,824	\$8,030	\$8,236	\$8,442	\$8,648	\$8,854	\$9,060

<sup>1</sup> Corresponding statutory rate: GS-5—sixth.

GEOGRAPHIC COVERAGE: ANN ARBOR, MICH. SMSA

Grade	1 <sup>1</sup>	2	3	4	5	6	7	8	9	10
GS-5.....	\$8,030	\$8,236	\$8,442	\$8,648	\$8,854	\$9,060	\$9,266	\$9,472	\$9,678	\$9,884
GS-7.....	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699

<sup>1</sup> Corresponding statutory rates: GS-5—tenth; GS-7—fourth.

GEOGRAPHIC COVERAGE: OMAHA, NEBR. SMSA

Grade	1 <sup>1</sup>	2	3	4	5	6	7	8	9	10
GS-5.....	\$7,206	\$7,412	\$7,618	\$7,824	\$8,030	\$8,236	\$8,442	\$8,648	\$8,854	\$9,060

<sup>1</sup> Corresponding statutory rate: GS-5—sixth.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, the agency will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at a statutory rate shall receive basic compensation at the corresponding numbered rate authorized on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

[SEAL]

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[F.R. Doc. 70-3445; Filed, Mar. 20, 1970; 8:48 a.m.]

## OFFICE OF EMERGENCY PREPAREDNESS CALIFORNIA

### Notice of Major Disaster; Amendment

Notice of Major Disaster for the State  
of California, dated February 19, 1970,

and published February 26, 1970 (35 F.R. 3778), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 16, 1970:

Alameda.  
Del Norte.

Mendocino.



Dated: March 17, 1970.

G. A. LINCOLN,  
Director,  
Office of Emergency Preparedness.

[F.R. Doc. 70-3428; Filed, Mar. 20, 1970;  
8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18691, 18692; FCC 70R-92]

### ALABAMA MICROWAVE, INC., AND NEWHOUSE ALABAMA MICRO- WAVE, INC.

#### Memorandum Opinion and Order Enlarging Issues

In re applications of Alabama Microwave, Inc., Docket No. 18691, Files Nos. 1481 through 1484-C1-P-70, for construction permits in the Domestic Public Point-to-Point Microwave Radio Service for the establishment of three new stations at or near Gadsden, Anniston, and Guntersville, Ala., and the modification of one existing station KRR71 at Huntsville, Ala.; Newhouse Alabama Microwave, Inc., Docket No. 18692, Files Nos. 147 through 149-C1-P-70, for construction permits in the Domestic Public Point-to-Point Microwave Radio Service for the establishment of the three new stations at or near Birmingham, Pell City, and Anniston, Ala.

1. This proceeding involves the mutually exclusive applications of Alabama Microwave, Inc. (Alabama), and Newhouse Alabama Microwave, Inc. (Newhouse), each of whom proposes to provide video relay service to UHF television broadcast Station WHMA-TV, Anniston, Ala. By order, released October 27, 1969, 34 F.R. 17674, the Commission, by its Common Carrier Bureau, acting under delegated authority, designated the above applications for hearing on a comparative issue. Presently before the Review Board is a motion to enlarge issues, filed November 17, 1969, by Newhouse, seeking addition of the following issues:

(1) To determine whether there is a difference in the nature of the service offered in the proposals of Newhouse Alabama Microwave, Inc., and Alabama Microwave, Inc., and, if so, to determine which proposal is more suitable to the broadcast needs of WHMA-TV.

(2) To determine whether Alabama Microwave, Inc., can effectively operate and maintain the proposed system with the personnel it intends to employ.

(3) To determine whether Alabama Microwave, Inc., is financially capable of constructing and operating the proposed microwave system to deliver two signals to WHMA-TV.<sup>1</sup>

<sup>1</sup> Related items before the Board are: (a) Errata, filed Nov. 28, 1969, by Newhouse; (b) opposition, filed Dec. 2, 1969, by Alabama; (c) opposition and comments, filed Dec. 2, 1969, by the Common Carrier Bureau; (d) statement pursuant to § 1.65, filed Jan. 5, 1970, by Alabama; and (e) comments on (d), filed Jan. 14, 1970, by Newhouse.

*Nature of service issue.* 2. In support of the first requested issue, Newhouse asserts that a fundamental difference exists between the two proposed services. According to Newhouse, Alabama proposes to relay off-the-air television signals received at its present Huntsville microwave station from Huntsville television stations WAAY-TV (NBC) and WHNT-TV (CBS) via three new microwave stations, to Station WHMA-TV, its proposed customer in Anniston. In contrast, it is alleged that Newhouse proposes to deliver to Station WHMA-TV the direct network feeds of NBC and CBS which are received at the studios of Station WAPI-TV in Birmingham. These feeds will be sent to new stations at Bald Rock Mountain (near Pell City) and Blue Mountain (near Anniston), at which latter site, Station WHMA-TV will select one signal for immediate broadcast and the other will be relayed to the WHMA-TV studios for taping. Hence, petitioner maintains, whereas its proposal would allow its potential customer to select which network programs it will broadcast, Alabama's proposal will require WHMA-TV to depend entirely upon the program selections made by the licensees of WAAY-TV and WHNT-TV in Huntsville. This resultant "licensee coloration," Newhouse concludes, requires an issue as to which of the services proposed by the applicants, in light of the alleged differences in service, would be more suitable to WHMA-TV's needs.

3. In opposition, Alabama claims that petitioner is mistaken in maintaining that it will relay only off-the-air signals to its proposed customer, Station WHMA-TV. Rather, Alabama alleges, it receives the direct NBC network feeds by cable from the studios of WAAY-TV, its NBC affiliate, and its adjacent microwave facility (Station KRR71) and relays that feed to Station WOWL-TV in Florence. From there, petitioner avers, it will relay the same direct feed to WHMA-TV in Anniston. Likewise, Alabama alleges, it will receive the direct CBS network feed at the WHNT-TV studios, a CBS affiliate, and deliver it by cable to its microwave station for relay to WHMA-TV. Thus, Alabama asserts, all programs of the two networks will be available to WHMA-TV, just as in the Newhouse proposal. Finally, Alabama contends that questions of quality and reliability of service are already designated as part of the comparative issue and thus no separate issue is required. The Common Carrier Bureau, also in opposition, agrees with Alabama that the matter of nature of service is encompassed within the designated comparative issue.

4. Newhouse's request for a "nature of service" issue will be denied. The designation order herein states that:

Alabama has an existing station at Huntsville, Ala., where it intends to receive the signals of WAAY-TV (ABC and NBC) and WHNT-TV (CBS) (presumably off-the-air) both of Huntsville, Ala., and relay these signals via three proposed new stations at Guntersville, Gadsden, and Anniston, Ala., for delivery to WHMA-TV in Anniston.

Reading this statement together with the pleadings before us, it appears that

some confusion exists as to how Alabama intends to service its proposed customer, Station WHMA-TV. However, the comparative issue already specified in this proceeding inquires into the "charges, regulations, and conditions of service" to be provided by the two microwave applicants. In our view the words "conditions of service" contemplate an investigation into differences in the nature and quality of service offered by the competing applicants; the allegations herein involve such matters and therefore, they may be explored within the confines of the existing issue.

*Staffing issue.* 5. In support of its requested staffing issue, Newhouse notes that Alabama's application reveals that its president and sole stockholder, Frank K. Spain, "will have primary responsibility for the operation of the proposed system" and will direct its construction and installation as well as perform system measurements, adjustments, and maintenance. Petitioner further notes that through Alabama and Microwave Service Co., another carrier controlled by Spain, such facilities are operated in 10 States located in different parts of the country. According to Newhouse, Spain devotes all of his time to the operation of these microwave facilities. Finally, Newhouse states that Alabama's application shows that Spain will employ one individual at Anniston to maintain the system and that the system will be monitored for irregularities which will be reported to the applicant's home office at Tupelo, Miss., where a private airplane is available for emergency maintenance. On the basis of these facts Newhouse concludes that Spain's involvement in his other licensed operations throughout the country means that primary responsibility for the proposed system will rest with the sole individual employed at Anniston. In this regard, Newhouse claims that the length of the proposed system (135.7 km. over four sites) will create problems of supervision for any one man. By contrast, Newhouse notes that its proposed operation would provide for a maintenance center in Anniston under the supervision of the chief engineer of Station WAPI-TV, and employing an additional individual holding a first class license.

6. In opposition, Alabama argues that Newhouse's recitation of facts does not demonstrate that Alabama's maintenance and service proposals are inadequate. Alabama also contends that Spain's affidavit, which is attached to the opposition, shows that he is the licensee of or controls the licensees of several microwave systems that are far more extensive in terms of length or channel hops than those of the instant applications and are run in the same manner. Spain states that, either through himself or Alabama as the licensee, he operates: A 10-channel hop system in Florida; a 300-mile-long system in Texas; a 77-hop service in Southern California; and an 11 hop system in Tennessee and Mississippi; each of these systems is maintained by one individual. Spain further states that no service complaints have been made by any of

these systems' customers, and that service calls, when requested, have been answered promptly. Spain further claims that, in addition to his full-time employee at Anniston, he also has at Tupelo five engineers with radiotelephone first class operator permits who are available on short notice if needed. Alabama concludes that these arrangements have proved to be satisfactory with all of the other facilities, including those delivering signals to nine television stations in six States, and since no reason is offered why they might be unsuccessful here, the instant motion should be denied. The Common Carrier Bureau opposes the motion on the grounds that Newhouse has not adequately supported its request and also because Alabama's proposal appears to be reasonable on its face. The Bureau maintains that if an inquiry were supported by Newhouse's allegations, the language of the designated comparative issue is sufficiently broad to encompass an appropriate inquiry.

7. In our opinion, no adequate basis has been shown for adding a staff adequacy issue against Alabama. Newhouse merely recites the nature of Alabama's proposed staffing operation as gleaned from the latter's applications and, on this basis alone, concludes that the proposal is inadequate. However, in the absence of specific and adequately supported allegations indicating that Alabama would be unable to effectuate its proposed system, we cannot agree with Newhouse that its proposed issue is appropriate. See *Miami Broadcasting Corp.*, 9 FCC 2d 694, 10 RR 2d 1037 (1967). We agree with the Bureau that the proposal does not appear to be unreasonable on its face. Furthermore, Alabama's application reveals the presence of additional available personnel at Tupelo, and Spain's affidavit substantiates their availability. Finally, the uncontradicted statement by Spain that his other microwave facilities are operated in the same manner and have been maintained without serious incident is also significant. This past history of actual operation indicates that there is a reasonable likelihood that Alabama will be able to effectuate its proposals. See *The News-Sun Broadcasting Co.*, 8 FCC 2d 540, 10 RR 2d 218 (1967). Accordingly, Newhouse's request for a staffing issue will be denied.

**Financial qualifications issue.** 8. In support of its requested financial issue against Alabama, Newhouse states that Alabama's total installation cost, as set forth in its application, will be \$108,450. However, Newhouse alleges that Alabama's balance sheet which is dated February 28, 1969, reveals that Alabama operates at a loss and has an excess of liabilities over assets of \$47,588.24. Since Alabama assertedly does not show anywhere how it will meet its own estimated construction costs, Newhouse submits that an issue is required to determine Alabama's ability to construct and operate its proposed facilities. The Bureau does not oppose Newhouse's request since Alabama's cash balance (\$26,520) is exceeded by the estimated cost of the system (\$108,450), and also because no de-

tails have been submitted by Alabama to show how construction will be financed. In the absence of additional information, the Bureau agrees with petitioner that an adequate financial showing has not been made.

9. Alabama, in opposition, maintains that \$64,000 of the \$108,450 required for construction represents transmitters and receivers, and according to the attached affidavit of its principal, such equipment has already been purchased. Also attached to the opposition is a new balance sheet, dated September 30, 1969, which allegedly shows: That Alabama's former deficit has been eliminated; that it now has an earned surplus; and that current assets exceed current liabilities by over \$16,000. Alabama also submits a balance sheet dated September 30, 1969, for Microwave Service Co. (Microwave), of which Spain is the sole proprietor. In his affidavit, Spain avers that Alabama's only long term liability represents a note payable to him which obligation he will defer "if Alabama Microwave's financial situation so requires." In addition, Spain states that, if necessary, he will lend Alabama up to \$50,000 to meet its capital and operating requirements. Alabama claims that Spain's balance sheet shows an excess of current assets over current liabilities of more than \$75,000, which is enough to support his commitment. It is concluded that Spain's net worth, together with the available \$16,000 shown by Alabama's balance sheet, demonstrates the applicant's ability to construct and operate its proposed system.

10. In order to explain certain inconsistencies in the September 30, 1969, balance sheets of Alabama and Microwave, Alabama submits a "statement" together with a copy of a supplement, dated January 5, 1970, to its petition for leave to amend, filed December 2, 1969, with the hearing examiner.<sup>2</sup> Alabama also submits a revised balance sheet, dated September 30, 1969, and the affidavit of its secretary-treasurer, Paul A. Moore, describing accounting adjustments made to correct the inconsistencies. According to the various documents, Alabama's original September 30, 1969, balance sheet recorded its long term obligation to Spain in the amount of \$217,746.26, whereas Microwave's balance sheet of the same day listed stock and note due from Alabama as \$190,264.26. Alabama's latest balance sheet shows the figure at \$191,093.24, and Moore, in his affidavit, states that the error resulted from the fact that Alabama's earlier balance sheet had been submitted prior to application of certain closing entries received from its independent accountants on December 3, 1969. Moore submits that the \$191,093.24 figure on the revised balance sheet represents a "write down" made to "reflect the fact that some of the total liability

previously shown represented accrued interest which had not been paid within seventy-five days of the close of the fiscal year in which it was accrued, and which therefore was not available to Alabama Microwave, Inc. as a deduction." Upon the advice of their accountants, Moore states, accrued interest was transferred to earned surplus, so that the revised balance sheet now shows increases in earned surplus, depreciation reserve and taxes payable which, when taken together, account for most of the reduction in deferred liabilities. The remaining discrepancy, Moore asserts, reflects the fact that the reserve shown on Microwave's balance sheet to cover the anticipated write-down was somewhat greater than the amount of the actual write-down. The revised balance sheet shows current assets over current liabilities reduced to something less than \$10,000, but this figure together with Spain's loan commitment to it, Alabama assets, are still sufficient to meet its construction and operation costs, and thus, no issue should be added.

11. In its comments on Alabama's statement, Newhouse notes that the figure on Alabama's balance sheet representing the note due to Spain (\$191,093.24) is still inconsistent with the amount listed on Microwave's balance sheet (\$191,264.26). Newhouse contends that this conflict raises a question as to the reliability of Alabama's "entire financial showing." This is especially so, Newhouse argues, in light of the fact that Alabama has made two additional showings since its financial qualifications were first challenged and inaccuracies still remain. Newhouse further points out that Moore's affidavit relates that an "unspecified" amount of accrued interest was transferred to earned surplus on the alleged advice of "unidentified" independent accountants. According to Newhouse, this adjustment is contrary to Rule No. 2 of the American Institute of Certified Public Accountants.<sup>3</sup> In addition, Newhouse asserts that an inquiry is warranted because Spain, doing business as Microwave, has filed several microwave applications and has requested additional time for filing other applications allegedly mutually exclusive with those of another applicant. This latter request, Newhouse contends, looks toward the creation of an extensive west coast data communications system allegedly estimated by the competing applicant to cost in excess of \$6 million. All of these applications, Newhouse states, will require support from Microwave, the fund source for the instant applications of Alabama, and these facts together with the inconsistent balance sheets before us warrant an appropriate issue.

12. In the Board's view, a broad inquiry into Alabama's financial qualifications is not warranted by the pleadings before us. On the other hand, Alabama has not shown that Frank Spain is

<sup>2</sup> This pleading was apparently prompted by the opposition filed by Newhouse to Alabama's original petition for leave to amend, which brought the discrepancies to light, and a copy of which is submitted with Newhouse's comments on Alabama's statement. The examiner accepted the amendments to Alabama's application by order, FCC 70M-231, released February 17, 1970.

<sup>3</sup> The rule reads as follows: "Capital surplus, however created, should not be used to relieve the income account of the current or future years of charges which would otherwise fail to be made there against."

capable of lending \$50,000 to the applicant; therefore, an appropriate issue inquiring into this matter will be specified. With respect to the discrepancies in the balance sheets, relied upon by Newhouse, it is noted that the original deficit contained in the February 28, 1969, balance sheet has been eliminated and, in lieu of the limited cash showing out of which the proposal was presumably to be financed, the plan upon which Alabama now intends to rely has been supplied. The inconsistencies in the recording of Alabama's obligation to Microwave and the remaining smaller discrepancy have been adequately explained in Moore's affidavit.<sup>4</sup> Based on Alabama's estimate of the cost of establishing its proposed facilities (\$108,450), the figure of \$217,728.47, representing equipment already on hand, is ample to cover the \$64,000 cost for transmitters and receivers. Alabama's expected source for the additional \$44,450 necessary to effectuate its proposal is the excess of current assets over current liabilities (reduced on its revised balance sheet to \$9,603.81) and Spain's loan commitment to it of up to \$50,000. However, there are serious inadequacies in this proposal. First, it is evident that it is Spain, doing business as Microwave, to which Alabama looks as the principal source from which it will finance its proposal. Spain, in turn, expects to advance the \$50,000 from the surplus of current assets over current liabilities shown on Microwave's balance sheet. That excess amounts to \$76,559.77, which, at first glance, appears to be sufficient. However, Spain lists his current assets as "Cash in Banks and Accounts Receivable," thereby obscuring exactly what part of this figure represents available cash; and we cannot properly speculate as to the currency of the accounts receivable.<sup>5</sup> Thus, the availability of liquid assets on Microwave's balance sheet, the essential factor in Alabama's revised plan, has not been established. Finally, we note that although Microwave shows an equity of approximately \$2.3 million, we have in the past refused to find a lender with a large net worth capable of meeting a substantial commitment without a showing of the liquidity of its listed assets, Miami Broadcasting Corp., supra. Accordingly, we will add an issue to determine whether Frank K. Spain can meet his commitment to Alabama Microwave, Inc. Cf. Microwave Communications, Inc., 18 FCC 2d 953, 16 RR 2d 1037 (1969), reconsideration denied, --- FCC 2d ---, --- RR 2d --- (1970).

13. Accordingly, it is ordered, That the motion to enlarge issues, filed Novem-

<sup>4</sup> We need not consider the alleged violation of Rule No. 2 of the American Institute of CPAs. We are concerned solely with Alabama's explanation of the circumstances surrounding the balance sheets. Compliance with the CPA rule cited by Newhouse is irrelevant to our determination with respect to Alabama's financial qualifications. Cf. Brown Radio and Television Co. (WBVL), FCC 65R-179, 5 RR 2d 288.

<sup>5</sup> The only other liquid asset shown on the balance sheet is \$15,000 of "Stock-Comsat Corporation."

ber 17, 1969, by Newhouse Alabama Microwave, Inc., is granted to the extent herein indicated; and is denied in all other respects; and that the issues in this proceeding are enlarged to include the following:

(a) To determine whether Frank K. Spain can meet his loan commitment to Alabama Microwave, Inc.;

(b) To determine, in light of the evidence adduced pursuant to (a) above whether Alabama Microwave, Inc., is financially qualified to construct and operate its proposed microwave system to provide video relay service to WHMA-TV, Anniston, Ala.

14. It is further ordered, That the burden of proceeding with the introduction of evidence and burden of proof under the issues added herein will be on Alabama Microwave, Inc.

Adopted: March 12, 1970.

Released: March 17, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 70-3449; Filed, Mar. 20, 1970;  
8:49 a.m.]

[Docket No. 16928 etc.; FCC 70-278]

## CALIFORNIA WATER AND TELEPHONE CO. ET AL.

### Memorandum Opinion and Order Amending Issues

In the matter of California Water and Telephone Co., Docket No. 16928; Tariff FCC No. 1 and Tariff FCC No. 2 applicable to channel service for use by community antenna television systems. In the matter of The Associated Bell System Companies, Docket No. 16943; tariffs for channel service for use by community antenna television systems. In the matter of The General Telephone System and United Utilities, Inc., Companies, Docket No. 17098; tariffs for channel service for use by community antenna television systems.

1. On January 11, 1967, by three separate orders, we designated certain "pole attachment" issues for resolution herein along with a number of other issues involving the lawfulness of tariffs. These pole attachment issues are as follows:

The policies and practices of respondents with respect to pole line attachment agreements or arrangements with CATV operators; Whether the Commission has jurisdiction over the aforesaid pole line attachment policies and practices and, if so, the extent and nature of such jurisdiction and what action, if any, the Commission should take with respect thereto (see 6 F.C.C. 2d, 433, 435, 441, Jan. 11, 1967).

2. Hearings on these issues are currently in the preliminary stages after having been delayed for reasons that need not be narrated herein. Our concern now is whether the Commission should take action to expedite the "pole attachment" issues over the other issues herein. These other issues involve,

among other things, questions as to the appropriate rate base, charges, earnings and ratemaking principles applicable to CATV channel service covered by tariffs on file with us. Taking into account the nature of these latter issues and the multiplicity of tariffs under investigation, it is clear that the taking of evidence on the tariff issues will require substantial time.

3. Several events have transpired since these "pole attachment" proceedings were first specified herein that require reexamination thereof. First, we have already determined in another proceeding that we should exercise jurisdiction over one important aspect of the "pole attachment" practices of the telephone companies and we have established definitive policies and rules with respect thereto. Thus, in our decision of January 28, 1970, in Docket No. 18509, we stated: "any future authority to a telephone company under section 214(a) of the Act to provide CATV channel facilities, should be conditioned upon a documented showing that the customer CATV system had available, at its option, pole attachment rights (or conduit space, as the case may be) (a) at reasonable charges, and (b) without undue restrictions on the uses that may be made of the channel by the customer. This option must be open to the CATV customer not only at the time of the grant but also prior to its decision to seek an award of a local franchise. Additional showing is also required that this policy was made known to the local franchising authority." In the Matter of Application of Telephone Companies for Section 214, Certificates for Channel Facilities Furnished to Affiliated Community Antenna Television System, 21 F.C.C. 2d 307, 326-327 (1970). Second, we have recently received complaints that certain telephone and electric utilities are proposing increases in the charges made to CATV operators for pole attachments and, on January 28, 1970, we directed letters to companies of the four largest telephone systems (Bell, General, United, and Continental) requesting them to defer any such proposed increases until we have had an opportunity to determine our jurisdiction in the matter. We assured these companies as that time that we would undertake to resolve this question expeditiously. Third, the National Association of Utility Regulatory Commissioners (NARUC) has recently recommended to the State regulatory agencies that they exercise jurisdiction over pole attachments and at least one such agency, the California Public Utilities Commission, has instituted proceedings to determine what action it should take in this regard.

4. The Commission is of the view that the policies and practices regarding pole attachment arrangements and the terms and conditions governing such arrangements should be subject to regulatory review as to the reasonableness thereof. The extent to which these matters are subject to Federal or State jurisdiction

is not clear and remains to be determined. Thus, we believe that it is essential for the Commission to make appropriate determinations as promptly as possible concerning the nature, extent, and scope of its jurisdiction over the provision of pole attachments and conduit (or duct) space to CATV operators and to determine what further actions, if any, the Commission should take with respect thereto. Among the unresolved questions now before us is whether or not telephone companies, electric utilities, or other entities that are providing, or offering to provide, pole attachment or conduit space to CATV operators are engaged in a common carrier activity and are required to file tariffs therefor, and, if not, whether such activities by the Bell System companies are in violation of the terms of the "consent decree."<sup>1</sup> Our concern is that the ultimate resolution of the pole attachment issue may be unduly delayed because of its consolidation herein with the tariff issues. Accordingly, we have decided to spin-off the pole attachment question for expedited consideration and to broaden the issues as indicated below.<sup>2</sup> We will welcome the participation of NARUC as well as individual State regulatory bodies in our consideration of these issues.

5. *Accordingly, it is ordered*, That the aforementioned pole attachment issues are amended to read as follows:

(a) What are the policies and practices of telephone companies, electric utilities, and others with respect to pole line attachment or conduit agreements or arrangements with CATV operators;

(b) Whether the Commission has jurisdiction over the aforesaid agreements or arrangements beyond that exercised in its decision in Docket No. 18509 and, if so, the extent and nature of such jurisdiction and what action, if any, the Commission should take with respect thereto.

6. *It is further ordered*, On the Commission's own motion, that the Hearing Examiner shall expedite the hearing on the above-stated issues and the issuance of his initial decision thereon for review and further action by the Commission, and shall thereafter proceed to the taking of evidence on the remaining issues herein.

7. *It is further ordered*, That the "Motion of National Cable Television Association to Expedite Consideration of Pole Attachment Issues and to Hold in Abeyance Consideration of Tariff Issues," filed on March 5, 1970, and the "Joint Motion to Expedite Consideration of

Pole Attachment Issues and to Hold in Abeyance Consideration of Tariff Issues," filed on March 10, 1970, by Arkansas CATV Association et al., are dismissed as moot.

Adopted: March 16, 1970.

Released: March 17, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>3</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 70-3450; Filed, Mar. 20, 1970;  
8:49 a.m.]

[Docket No. 18812; FCC 70-271]

## MEDICAL-DENTAL BUREAU, INC.

### Memorandum Opinion and Order Instituting Hearing

In the matter of application of Medical-Dental Bureau, Inc., Docket No. 18812, pursuant to section 201(a) of the Communications Act of 1934, as amended, for establishment of physical connection between its facilities and those of The Ohio Bell Telephone Co.

1. The Commission has before it:

(a) A complaint filed on September 15, 1969, by Medical-Dental Bureau Inc. (Medical-Dental), a communications common carrier which provides two-way radiotelephone service and one-way paging service in Youngstown, Ohio, and surrounding communities. Medical-Dental requests interconnection of its facilities to those of The Ohio Bell Telephone Co. (Ohio Bell), so that there will be continuous interstate and intrastate communications routes between its mobile subscribers and persons at landline stations. The complaint further requests that charges be established, division of such charges be made and regulations for operating such interconnected facilities be established pursuant to section 201 (a) of the Communications Act of 1934, as amended;

(b) An answer, designated "Comments", filed on November 24, 1969, by The Ohio Bell Telephone Co. in which it alleges that it is willing to interconnect its facilities with those of Medical-Dental on the condition that a certificate of public convenience and necessity is obtained from the Public Utilities Commission of Ohio. Ohio Bell further alleges that an interconnection agreement has, in fact, been entered. Ohio Bell states, however, that Ohio law requires such agreements to be approved by the Public Utilities Commission. Therefore, in view of section 221(b) of the Act and the fact that predominately local matters are involved, Ohio Bell urges that the Commission refrain from exercising jurisdiction; and

(c) A reply from Medical-Dental alleging that it is seeking interconnection under section 201(a) of the Act, therefore the Commission has exclusive jurisdiction in this matter. Medical-Dental further alleges that if the Public Utilities

Commission of Ohio is allowed to maintain jurisdiction, disparity of regulations would arise in an area which requires uniformity.

2. The pleading filed by Medical-Dental, although designated a complaint, is actually a petition for interconnection under section 201(a) of the Communications Act of 1934, as amended. Under that section, the Commission has the authority, after hearing, to order the interconnection of common carriers, establish through routes and charges applicable thereto, and the division of such charges. The interconnection proposed in this proceeding would provide for the origination and reception of interstate calls. This provides a sufficient jurisdictional basis for Commission action insofar as interstate or foreign communications is concerned.

3. *Accordingly, it is ordered*, That pursuant to section 201(a) of the Communications Act of 1934, as amended, a hearing shall be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified, and that the examiner to be designated to preside at the hearing shall certify the record, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282;

4. *It is further ordered*, That without in any way limiting the scope of the proceeding, it shall include inquiry into the following: Whether it is necessary or desirable in the public interest to establish physical connections between the Medical-Dental Bureau Inc., and The Ohio Bell Telephone Co., to establish through routes and charges applicable thereto and the division of such charges, and to establish and provide facilities and regulations for operating such through routes within the meaning of section 201(a) of the Communications Act of 1934, as amended; and, if so, what connections, through routes, charges, divisions, facilities, and regulations should be established;

5. *It is further ordered*, That a copy of this order shall be served on The Ohio Bell Telephone Co. and the Medical-Dental Bureau Inc., which are hereby designated parties in this proceeding.

Adopted: March 11, 1970.

Released: March 16, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 70-3451; Filed, Mar. 20, 1970;  
8:49 a.m.]

[Docket No. 18804; FCC 70-207]

## RICHARD L. TALLMAN

### Order Designating Application for Hearing on Stated Issues

In regard application of Richard L. Tallman, 1805½ Esplanade, Davenport,

<sup>1</sup> United States v. Western Electric Company, Final Judgment entered Jan. 24, 1956, Civil Action No. 17-49, U.S. District Court, District of New Jersey.

<sup>2</sup> The Commission has received a motion by the National Cable Television Association and a joint motion by several State CATV associations and individual CATV systems, filed on Mar. 5, 1970, and Mar. 10, 1970, respectively, to expedite consideration of the pole attachment issues and to hold in abeyance consideration of the tariff issues. We are acting herein on the Commission's own motion and will accordingly dismiss these motions as moot.

<sup>3</sup> Concurring statement of Commissioner Cox filed as part of original document; Commissioner Johnson dissent.

Iowa 52803, Docket No. 18804; for amateur novice and technician class operator and radio station licenses.

The Commission has under consideration the above-entitled application for amateur novice and technician class operator and radio station licenses filed June 10, 1968, by Richard L. Tallman.

There is a substantial question concerning the qualifications of the applicant to hold amateur operator and radio station licenses arising from communications he transmitted on Citizens Radio Service frequencies during the period from December 3, 1967, to September 29, 1968, and especially on or about December 3, 1967, July 2 and 12 and September 28 and 29, 1968, which contained obscene, indecent or profane words, language, or meaning, in violation of § 95.83(a)(3) of the Commission's rules; his use of Citizens radio stations as a hobby or diversions, in violation of § 95.83(a)(1) of the Commission's rules; his failure to identify his transmissions by assigned call sign, in violation of § 95.95(c) of the Commission's rules; and his conviction on December 5, 1969, in the U.S. District Court for the Southern District of Illinois of transmitting obscene language, in violation of section 1464 of title 18, United States Code.

The Commission is unable to find that a grant of the captioned application would serve the public interest, convenience, and necessity and must, therefore, designate the application for hearing. Except for the issues specified herein, the applicant is otherwise qualified to hold Amateur operator and radio station licenses.

Accordingly, it is ordered, Pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.973(b) of the Commission's rules that the captioned application is designated for hearing, at a time and place to be specified by subsequent order upon the following issues:

1. To determine the facts concerning the communications transmitted by applicant over Citizens Radio Service frequencies during the period from December 3, 1967, to September 29, 1968, and especially on or about December 3, 1967; July 2, 11, and 12, and September 28 and 29, 1968.

2. To determine whether applicant's communications transmitted between December 3, 1967, and September 29, 1968, especially on or about December 3, 1967; July 2, 11, and 12, and September 28 and 29, 1968, contained obscene, indecent or profane words, language, or meaning, in violation of § 95.83(a)(3) of the rules.

3. To determine the extent to which applicant's conviction on December 5, 1969, in the U.S. District Court for the Southern District of Illinois, of the offense of transmitting obscene, indecent or profane language on or about July 2, 11, and 12 and September 28 and 29, 1968, reflects adversely on his character qualifications.

4. To determine whether applicant's communications during the period from December 3, 1967, to September 29, 1968, and especially on or about December 3,

1967; July 2, 11, and 12, and September 28 and 29, 1968, were in violation of §§ 95.83(a)(1) and 95.95(c) of the Citizens Radio Service rules.

5. To determine whether, in view of the evidence adduced in the above-specified issues, Richard L. Tallman possesses the requisite qualifications to be a licensee of the Commission.

6. To determine whether, in light of the evidence adduced with respect to the foregoing issues, the grant of the subject application for novice and technician class amateur operator and radio station licenses would serve the public interest, convenience, and necessity.

It is further ordered, That to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for hearing and present evidence on the issues specified in the order.

Adopted: February 26, 1970.

Released: March 17, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 70-3452; Filed, Mar. 20, 1970;  
8:49 a.m.]

## FEDERAL HOME LOAN BANK BOARD

[H. C. No. 61]

### FINANCIAL CORPORATION OF SANTA BARBARA

#### Notice of Receipt of Application for Approval of Acquisition of Control of San Luis Obispo Savings and Loan Association

MARCH 18, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Financial Corporation of Santa Barbara, Santa Barbara, Calif., a multiple savings and loan holding company, for approval of acquisition of control of the San Luis Obispo Savings and Loan Association, San Luis Obispo, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of stock of San Luis Obispo Savings and Loan Association for stock of Financial Corporation of Santa Barbara. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within

<sup>1</sup> Concurring statement of Commissioner Johnson filed as part of original document.

30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,  
Assistant Secretary, Federal  
Home Loan Bank Board.

[F.R. Doc. 70-3454; Filed, Mar. 20, 1970;  
8:49 a.m.]

[H. C. No. 62]

### U.I.P. CORP.

#### Notice of Receipt of Application for Permission To Acquire Control of First Security Savings and Loan Association

MARCH 18, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the U.I.P. Corp., Milwaukee, Wis., for approval of acquisition of control of the First Security Savings and Loan Association, Pocatello, Idaho, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash, promissory note, and shares of the applicant of the stock of First Security Savings and Loan Association from First Security Investment Co., a savings and loan holding company which controls First Security Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,  
Assistant Secretary, Federal  
Home Loan Bank Board.

[F.R. Doc. 70-3455; Filed, Mar. 20, 1970;  
8:49 a.m.]

## SMALL BUSINESS ADMINISTRATION

### HARTFORD COMMUNITY CAPITAL CORP.

#### Notice of Application for License as Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Hartford Community Capital Corp. (applicant), with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 326).

The officers and directors of the applicant are as follows:



William M. Keresey, Jr., 19 Westborough Drive, West Hartford, Conn. President, Treasurer, Director.

Lawrence Connell, Jr., 88 Crescent Road, Glastonbury, Conn. Vice President, Secretary.

Gerald J. Kelly, 163 Barbara Road, Middletown, Conn. Director.

Jasper W. Morgan, Jr., 859 Bridge Street, Suffield, Conn. Director.

Sherrill D. Luke, 15 Woodside Circle, Hartford, Conn. Director.

Edward Barlow, 1 Alpert Drive, Rockville, Conn. Director.

The applicant, a Connecticut corporation with a place of business located at 777 Main Street, Hartford, Conn. 06115, will begin operations with \$300,100 of paid-in capital consisting of preferred stock having no voting rights, and common stock with voting rights. All of the preferred stock and 49 percent of the common stock will be owned by Hartford National Corp., 777 Main Street, Hartford, Conn. 06115. Business activities conducted by Hartford National Corp. include the ownership and operation of Hartford General Services Corp., Hartford Financial Corp., and Hartford National Bank and Trust Co., all of Hartford, Conn. Fifty-one (51%) percent of the common stock will be divided between Messrs. Luke and Barlow.

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such small concerns by persons whose participation in the free enterprise system is hampered because of social and economic disadvantages. Special emphasis will be given to investments in socially and economically disadvantaged concerns located within the State of Connecticut.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA regulations.

Any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Hartford, Conn.

Dated: March 10, 1970.

A. H. SINGER,  
Associate Administrator  
for Investment.

[F.R. Doc. 70-3407; Filed, Mar. 20, 1970; 8:45 a.m.]

## PRUDENTIAL MINORITY ENTERPRISES, INC.

### Notice of Issuance of Small Business Investment Company License

On March 3, 1970, a notice was published in the FEDERAL REGISTER (35 F.R. 4033) stating that Prudential Minority Enterprises, Inc., 213 Washington Street, Newark, N.J. 07101, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326), for a license to operate a small business investment company.

Interested parties were given to the close of business March 9, 1970, to submit written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 02/02-5277 to Prudential Minority Enterprises, Inc., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: March 10, 1970.

A. H. SINGER,  
Associate Administrator  
for Investment.

[F.R. Doc. 70-3406; Filed, Mar. 20, 1970; 8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 18, 1970.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 41920—*Monoethylamine or isopropylamine to St. Gabriel, La.* Filed by O. W. South, Jr., agent (No. A6162), for interested rail carriers. Rates on monoethylamine or isopropylamine, in tank carloads, as described in the application, from Pace, Fla., to St. Gabriel, La.

Grounds for relief—Truck-barge competition.

Tariff—Supplement 209 to Southern Freight Association, agent, tariff ICC S-600.

FSA No. 41921—*Paper and paper boxes to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-147), for interested rail carriers. Rates on boxes, fibreboard, pulpboard or strawboard, also paper, pulpboard or fibreboard, in carloads, as described in the application, from points in southwestern territory, to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 2 to Southwestern Freight Bureau, agent, tariff ICC 4891.

FSA No. 41922—*Class and commodity rates from and to Holly Farms, Va.* Filed by O. W. South, Jr., agent (No. A6164), for interested rail carriers. Rates on property moving on class and commodity rates, between Holly Farms, Va., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-3440; Filed, Mar. 20, 1970; 8:48 a.m.]

[Notice 44]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 17, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 1131), published in the FEDERAL REGISTER issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub-No. 64 TA), filed March 9, 1970. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuel*, in bulk, in tank vehicles, from Searsport, Maine, to Burlington, Vt., for 180 days. Supporting shipper: Department of the Army, Military Traffic Management and Terminal Service, Washington, D.C. 20315. Send protests to: Donald G. Weller, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, Maine 04112.

No. MC 3252 (Sub-No. 65 TA), filed March 9, 1970. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue,

Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda and sodium hypochlorite*, in bulk, in tank vehicles, from Orrington, Maine, to Ticonderoga, N.Y., for 180 days. Supporting shipper: IMC Chlor-Alkali, Inc., Orrington, Maine. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, Maine 04112.

No. MC 25798 (Sub-No. 208 TA), filed March 9, 1970. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Description in Motor Carrier Certificate*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Omaha, Nebr. (plantsite and/or storage facilities utilized by Armour & Co.), to Norfolk, Va., Bristol, Tenn., and points in Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Armour & Co., 401 North Wabash, Chicago, Ill. 60611. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 105, Cox Building, 5720 SW. 17th Street, Miami, Fla. 33155.

No. MC 29555 (Sub-No. 55 TA), filed March 11, 1970. Applicant: BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, Minn. 55113. Applicant's representative: William C. Hoffman (same address as above). Authority sought to operate as a *common carrier*, over regular routes, transporting: *General commodities* (with the usual exceptions), serving the Duane Arnold Energy Center, 3½ miles northeast of Palo, Iowa, as an off-route point in connection with applicant's authorized regular-route operations, for 180 days. NOTE: Applicant states that off-route point application to be served in connection with applicant's authorized regular-route operations, MC 29555. Supporting shipper: Iowa Electric Light and Power Co., Cedar Rapids, Iowa. Send protests to: A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 52704 (Sub-No. 74 TA), filed March 9, 1970. Applicant: GLENN MC-CLENDON TRUCKING COMPANY, INC., Post Office Box 49, LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, and materials and supplies used in the agricultural, water treatment, food processing, whole-*

*sale grocery, and institutional supply industries*, when shipped in mixed loads with salt and salt products, from Weeks Island, La., to points in Alabama and Mississippi, for 180 days. Supporting shipper: Morton Salt Co., a Division of Morton International, Inc., Atlanta, Ga. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 52752 (Sub-No. 19 TA), filed March 9, 1970. Applicant: WESTERN TRANSPORTATION COMPANY, 1300 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Edward G. Bazzon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of the Duane Arnold Energy Center located near Palo (Linn County), Iowa, as an off-route point in connection with applicant's presently authorized regular routes, for 180 days. NOTE: Applicant states that all authority presently held will be tacked with proposed authority. Supporting shipper: Iowa Electric Light & Power Co., Post Office Box 351, Cedar Rapids, Iowa 52406. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 59367 (Sub-No. 72 TA), filed March 9, 1970. Applicant: DECKER TRUCK LINE, INC., 3584 Fifth Avenue South, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Illinois, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Sioux-Preme Packing Co., Post Office Box 177, Sioux Center, Iowa 51250. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 61401 (Sub-No. 12 TA), filed March 6, 1970. Applicant: MARX TRUCK LINE, INC., Third and Plymouth Streets, Sioux City, Iowa 51105. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), from plantsite, warehouses, and storage facilities used by Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Illinois, Indiana, Iowa, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Sioux-Preme Packing Co., Post Office Box 177, Sioux Center, Iowa 51250. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 67118 (Sub-No. 16 TA), filed March 11, 1970. Applicant: STRONG MOTOR LINES, INCORPORATED, Chuckatuck Avenue and Old Midlothian Pike, Richmond, Va. 23225. Applicant's representative: John C. Goddin, 200 West Grace Street, Richmond, Va. 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and dairy products*. From Philadelphia, Pa., to Charlottesville, Winchester, Norfolk, Richmond, Roanoke, Salem, and Victoria, Va.; Washington, D.C.; Charlotte and Raleigh, N.C.; and Columbia, Charleston, Dillon, Manning and Sumter, S.C., for 150 days. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10 502 Federal Building, Richmond, Va. 23240.

No. MC 66669 (Sub-No. 1 TA), filed March 11, 1970. Applicant: SOFIELD TRANSFER CO., INC., 1051 Edward Street, Linden, N.J. 07036. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, for the account of United States Lines Corp., in *containers or trailers*, between Boston, Mass.; Baltimore, Md.; points in the New York, N.Y. Commercial Zone as defined by the Commission; Charleston, S.C.; Philadelphia, Pa.; and Norfolk, Va.; restricted to shipments having prior or subsequent movement by water, for 150 days. Supporting shipper: United States Lines, Inc., 1 Broadway, New York, N.Y. 10004. Send protests to: Walter J. Grossmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 71902 (Sub-No. 71 TA), filed March 6, 1970. Applicant: UNITED TRANSPORTS, INC., 4900 North Santa Fe, Oklahoma City, Okla. 73118. Applicant's representative: G. F. Moninger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign-made motor vehicles* (except trailers and experimental and show display tractors), by truck-away method in secondary and subsequent movements, from Houston, Tex.,



to points in Mississippi, with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Toyota (A. J. Duderstadt), 5600 Hartsdale Drive, Houston, Tex. 77036. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 83835 (Sub-No. 64 TA), filed March 6, 1970. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, Tex. 75222. Applicant's representative: W. A. Cunningham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, other than oil-field tubing, between points in Tulsa County, Okla., on the one hand, and, on the other, all points in the United States, except Hawaii, for 180 days. Note: Applicant does not intend to tack authority. Supporting shipper: Southwest Tube Manufacturing Co., Post Office Box 36, Sand Springs, Okla. 74063. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 103191 (Sub-No. 28 TA), filed March 9, 1970. Applicant: THE GEO. A. RHEMAN CO., INC., 2019 Elgin Street, Charleston, S.C. 29403. Applicant's representative: Harold P. Boss, 1100 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Charleston, S.C., to points in Alabama and Kentucky. *Empty collapsible containers* when moving with petroleum products, in bulk, in tank vehicles, from Charleston, S.C., to points in Alabama, Florida, Georgia, Kentucky, and North Carolina. *Empty collapsible containers*, on return, from points in Alabama, Florida, Georgia, Kentucky, and North Carolina, to Charleston, S.C., for 180 days. Supporting shippers: Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052, Gulf Oil Co., Gulf Oil Building, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 106398 (Sub-No. 461 TA), filed March 9, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, from plantsite of Kalonial Industries, Inc., Kalona, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Missouri, Wisconsin, Illinois, Arkansas, and Indiana, for 180 days. Supporting shipper: George K. Kane, General Manager, Kalonial Industries, Inc., Post Office

Box 452, Kalona, Iowa 52247. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. 107295 (Sub-No. 316 TA), filed March 9, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and plywood panels*, from the warehouse facilities of Evans Products Co. at Chicago, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, Pennsylvania, and Wisconsin, for 180 days. Supporting shipper: Evans Products Co., Post Office Box 880, Corona, Calif. 91720. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 317 TA), filed March 9, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood paneling and particle board*, from plantsite and warehouse facilities of Evans Products Co. at Memphis, Tenn., to points in Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, Texas, Virginia, and Wisconsin, for 180 days. Supporting shipper: Evans Products Co., Post Office Box 880, Corona, Calif. 91720. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 318 TA), filed March 9, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems; hardwood flooring; lumber; lumber products; and accessories used in the installation thereof*, from Dollar Bay, Mich., to points in Connecticut, Indiana, Kentucky, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, for 180 days. Supporting shipper: Horner Flooring Co., Dollar Bay, Mich. 49922. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 319 TA), filed March 9, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, veneer, wood paneling, wood particle board, and accessories used in the installation thereof*, from the plantsite of Pluswood Industries at Oshkosh, Wis., to points in Illinois, Indiana, Michigan, Ohio, North Carolina, South Carolina, Virginia, Texas, Oklahoma, and Arkansas, for 180 days. Supporting shipper: Pluswood In-

dustries, Post Office Box 1340, Oshkosh, Wis. 54901. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107496 (Sub-No. 771 TA), filed March 9, 1970. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, from National Marine terminal facility, near Granite City, Ill., to St. Louis, Mo., for 180 days. Supporting shipper: American Sugar Co., 460 South Northwest Highway, Park Ridge, Ill. 60068. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 769 TA), filed March 6, 1970. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid foundry facing*, in bulk, from Highland, Ind., to points in Ohio, Illinois, Pennsylvania, and Michigan, for 150 days. Supporting shipper: Thermium, Inc., 2550 Industrial Drive, Highland, Ind. 46322. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 773 TA), filed March 11, 1970. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry, in bulk, from Mason City, Iowa, to Milwaukee, Pewaukee, and Watertown, Wis.; and Chicago and Rockford, Ill., for 180 days. Supporting shipper: American Crystal Sugar Co., Boston Building, Denver, Colo. 80202. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 108393 (Sub-No. 29 TA), filed March 9, 1970. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials, and supplies used in the manufacture, distribution, and repair of electrical and gas appliances*, for the Whirlpool Corp., between Alsip, Ill., on the one hand, and, on the other, points in Berrien, Cass, St. Joseph, and Van Buren Counties, Mich.; Elkhart, Fulton,

Kosciusko, La Porte, Marshall, Porter, Pulaski, Starke, and St. Joseph, Counties, Ind., for 180 days. Supporting shipper: The Whirlpool Corp., Benton Harbor, Mich. 59022. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 109060 (Sub-No. 63 TA), filed March 11, 1970. Applicant: JULIA L. HAGAN, doing business as HAGAN TRUCK LINE, 3405 Bainbridge Boulevard, Chesapeake, Va. 23324. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated*, creosoted or otherwise chemically treated bulkheads in sections, from Chesapeake, Va., to points in Worcester County, Md., for 150 days. Supporting shipper: Eppinger & Russell Co., Post Office Box 5083, Chesapeake, Va. 23506. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 109689 (Sub-No. 214 TA), filed March 4, 1970. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, Utah 84087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, from Needles, Calif., and Los Angeles, Calif.; (2) *calcium oxide*, in bulk, from Lucerne Valley, Calif.; (3) *calcium oxide*, in bulk, and soda ash, in bulk, from Westend, Calif.; (4) *sulphuric acid*, in bulk, from Vernon, Calif.; (5) *sodium chloride* (salt), in bulk, from Amboy, Calif.; and (6) *liquid caustic soda*, in bulk, and *Aqua ammonia*, in bulk, from points in the Los Angeles Harbor Commercial Zone, Calif., to the Mohave Steam Electric Generating Plant, Clark County, Nev., located approximately 25 miles north of Needles, Calif., for 180 days. Supporting shipper: Southern California Edison Co., Post Office Box 351, Los Angeles, Calif. 90053 (James W. Harris, Traffic Manager). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 110325 (Sub-No. 46 TA), filed March 4, 1970. Applicant: TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, Calif. 90015. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value; livestock, household goods as defined by the Commission, and commodities requiring special equipment, serving the plantsite of Westinghouse Electric Corp., at or near Sykesville, Md., as an off-route point in connection with applicant's regular-route service to and from Baltimore, Md., for 180 days. NOTE: Applicant intends to tack at Baltimore, Md. Supporting shipper: Westinghouse Electric Corp., Industry & Defense Products, Box 300, Sykesville, Md. 21784. Send protests to:

Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 110410 (Sub-No. 12 TA), filed March 4, 1970. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 168 Baker Street SW., Atlanta, Ga. 30313. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined, commodities in bulk and those requiring special equipment), restricted to shipments having an immediately prior or subsequent movement by air, between Jacksonville Municipal Airport at or near Jacksonville, Fla., on the one hand, and, on the other, Palatka, Fla., for 180 days. Supporting shippers: Hudson Pulp & Paper Corp., Palatka, Fla.; Florida Truck & Tractor Co., 204-08 South Third Street, Palatka, Fla. 32077; Mike's Store For Men, 225 St. Johns Avenue, Post Office Box 1097, Palatka, Fla. 32077. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga.

No. MC 110525 (Sub-No. 961 TA), filed March 6, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Robert K. Maslin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite of M & T Chemicals, Inc., at or near Carrollton, Ky., to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, for 180 days. Supporting shipper: M & T Chemicals Inc., 100 Park Avenue, New York, N.Y. 10017. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customs House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111401 (Sub-No. 296 TA), filed March 9, 1970. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. 73701. Applicant's representative: Victor Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic powder*, in bulk, from Louisville, Ky., to McPherson, Kans., for 180 days. Supporting shipper: Wayne Cunningham, purchasing manager, Certain-Teed Products Corp., Box 988, McPherson, Kans. 67460. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest, Third, Oklahoma City, Okla. 73102.

No. MC 111661 (Sub-No. 3 TA), filed March 9, 1970. Applicant: GERDIN TRANSFER, INC., Princeton, Minn.

55371. Applicant's representative: James L. Nelson, 305 Degree of Honor Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), from Milaca, Minn., to Foley, Minn., over Minnesota Highway 23, and return over same route, for 180 days. NOTE: Applicant intends to tack the authority sought at Milaca, Minn., with existing authority in No. MC-111661. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 113024 (Sub-No. 82 TA) (Correction), filed December 16, 1969, published FEDERAL REGISTER, issue of January 3, 1970, and republished as corrected this issue. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products*, from the plantsite of Haskon, Inc., Middletown, Del., to Delphos and Versailles, Ohio, Jacksonville, Ill., Sherman, Tex., and Fresno, Calif., for account of Haskon, Inc., for 180 days. NOTE: The purpose of this republication is to show Haskon, Inc., as the supporting shipper. Supporting shipper: Haskon, Inc., 900 Greenbank Road, Wilmington, Del. 19808. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 113024 (Sub-No. 86 TA), filed March 4, 1970. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber hose, and incidental quantities (from 0-10%) of small-diameter plastic pipe*, in coils, from Wilmington, Del. to points in Cook and Lake Counties, Ill., for account of Electric Hose & Rubber Co., Wilmington, Del., for 180 days. Supporting shipper: Electric Hose & Rubber Company, Post Office Box 910, Wilmington, Del. 19899. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 113024 (Sub-No. 87 TA), filed March 9, 1970. Applicant: ARLINGTON

J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *synthetic fiber, yarn and staple*, between Seaford, Del. and warehouses of E. I. DuPont de Nemours & Co.; Charlotte, N.C.; (b) *synthetic fiber yarn*, on beams, loose, in specially-equipped rack trailers, between Graingers, N.C., and Denver, Colo., for account of E. I. DuPont de Nemours & Co., Wilmington, Del., for 180 days. Supporting shipper: E. I. DuPont de Nemours & Co., Inc., Wilmington, Del. 19898; Paul J. Pakurar, Distribution Coordinator-Textile Fibers Department. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, Salisbury, Md. 21801.

No. MC 113024 (Sub-No. 88 TA), filed March 9, 1970. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing, plastic and woolen goods, and materials and supplies* (except liquid commodities in tank vehicles), used in the production, sale, and distribution thereof, between plant or warehouse sites of The B.V.D. Co., Inc., at Clio and Mullins, S.C.; Dover, Del.; Kings Mountain, N.C.; Livingston, Tenn.; Washington, Ga.; Winslow, Ariz.; and Chicago, Ill. (Break bulk point), and piers, wharves, and warehouses at Long Beach, Los Angeles, and San Francisco, Calif., for account of The B.V.D. Co., Inc., for 180 days. Supporting shipper: The B.V.D. Co., Inc., 85 Chestnut Ridge Road, Montvale, N.J. 07645. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, Salisbury, Md. 21801.

No. MC 113528 (Sub-No. 17 TA), filed March 11, 1970. Applicant: MERCURY FREIGHT LINES, INC., Post Office Box 1247, Mobile, Ala. 36601. Applicant's representative: Drew L. Carraway, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment: (Route A) Between Pensacola, Fla., and Jacksonville, Fla., serving all points within a 15-mile radius of Pensacola and those in Duval County, Fla., as intermediate and off route points; from Pensacola over U.S. Highway 90 to Jacksonville (also over Interstate Highway 10 as it is completed, using appropriate interchanges), and return. (Route B) Between junctions of U.S. Highway 27 with Interstate Highway 10 and with U.S. Highway 90 at or near Tallahassee, Fla., and

Tampa, Fla., serving the described junctions for purposes of joinder only, and serving all points in Hillsborough and Pinellas Counties, Fla., as intermediate and off-route points; from junctions of U.S. Highway 27 with U.S. Highway 90 and Interstate Highway 10, at or near Tallahassee, Fla., over U.S. Highway 27 to junction with U.S. Highway 98 at or near Perry, Fla., thence over U.S. Highway 98 to junction with U.S. Highway 41 at or near Brooksville, Fla., thence over U.S. Highway 41 to Tampa, Fla., and return.

(Route C) Between junction of Interstate Highway 10 with Interstate Highway 75, and junction of Interstate Highway 10 with junction of U.S. Highway 90 near Lake City, Fla., serving no intermediate points but serving the described junctions for the purpose of joinder only; from junction of Interstate Highway 10 with Interstate Highway 75 over Interstate Highway 75 to its junction with U.S. Highway 90 near Lake City, Fla., and return. (Route D) Between junction of Interstate Highway 75 with U.S. Highway 90 near Lake City, Fla., and Tampa, Fla., serving the described junction for purpose of joinder only, and serving all points in Hillsborough and Pinellas Counties, Fla., as intermediate and off-route points; from junction of Interstate Highway 75 with U.S. Highway 90 near Lake City, Fla., over Interstate Highway 75 to Tampa, and return. (Route E) Between junction of Florida Turnpike with Interstate Highway 75 near Wildwood, Fla., and Miami, Fla., serving the described junction for the purpose of joinder only, and serving Orlando, Fla., and points in Orange, Broward and Dade Counties, Fla., as intermediate and off-route points: From junction of Florida Turnpike with Interstate Highway 75 near Wildwood, Fla., over Florida Turnpike to Miami, and return. (Route F) Between Orlando, Fla., and Tampa, Fla., serving the junction of Florida State Turnpike and Interstate Highway 4 as a point of joinder only, and serving points in Orange, Hillsborough, and Pinellas Counties, Fla., as intermediate and off-route points; from Orlando over Interstate Highway 4 to Tampa, and return.

(Route G) Between Tampa, Fla., and junction of Florida Highway 60 with the Florida Turnpike near Yeehaw Junction, Fla., serving the described junction for the purpose of joinder only, and serving all points in Hillsborough and Pinellas Counties, Fla., as intermediate and off-route points; from Tampa over Florida Highway 60 to its junction with the Florida State Turnpike, and return, for 180 days. NOTE: Applicant intends to tack or join the authority sought herein with its present authority in Docket No. MC 113528 and subs thereunder at Pensacola, Fla., and thereafter perform through service between its system points, on the one hand, and points sought in this application, on the other. Applicant also intends to interline traffic with other carriers at the Florida points sought herein and at points on its existing operations. Supporting shippers: There are approximately 156 statements

of support attached to the application, which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 113828 (Sub-No. 172 TA), filed March 6, 1970. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue NW., Washington, D.C. 20014. Applicant's representative: John F. Grimm (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Barberton, Ohio, to West Norfolk, Va., for 180 days. Supporting shipper: Virginia Chemicals, Inc., 3340 West Norfolk Road, Portsmouth, Va. 23703. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Room 2218, Washington, D.C. 20423.

No. MC 113828 (Sub-No. 173 TA), filed March 11, 1970. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue NW., Washington, D.C. 20014. Applicant's representative: John F. Grimm (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silico aluminate slurry*, in bulk, from Baltimore, Md., to Cincinnati, Ohio, for 180 days. Supporting shipper: W. R. Grace & Co., Davison Chemical Division, Baltimore, Md. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 2218, Washington, D.C. 20423.

No. MC 114290 (Sub-No. 41 TA), filed March 9, 1970. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, Ore. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, when moving in the same vehicle with frozen foods, from Gresham, Portland, Salem, Stayton, Silverton, Springbrook, and Weston, Ore., to points in Arizona, for 180 days. Supporting shipper: North Pacific Cannery & Packers, Inc., 5200 Southeast McLoughlin Boulevard, Portland, Ore. 97202. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Ore. 97204.

No. MC 115331 (Sub-No. 279 TA), filed March 11, 1970. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn starch*, dry, in bulk, from Keokuk, Iowa, to Champaign, Ill., for 180 days. Supporting shipper: The Hubinger Co., Keokuk, Iowa 52632. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce

Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 115322 (Sub-No. 67 TA), filed March 11, 1970. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, Sanford, Fla. 32771. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods*, from points in Aroostook County and Portland, Maine, to points in Alabama, District of Columbia, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, New Jersey, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, for 180 days. Supporting shippers: Vahlsing, Inc., Easton, Maine 04740; Potato Service, Inc., Presque Isle, Maine; American Kitchen Foods, Inc., 27 Birds Eye Avenue, Caribou, Maine 04736. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 116077 (Sub-No. 289 TA), filed March 4, 1970. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic peroxides and percarbonates*, from the plantsite of PPG Industries, Inc., Lake Charles, La., to points in the United States (except Alaska and Hawaii); and from the plantsite of PPG Industries, Inc., Barberton, Ohio, to the plantsite of PPG Industries, Inc., Lake Charles, La. Supporting shipper: PPG Industries, Inc. (Mr. John S. Graham, Assistant Manager of Freight Rates), 1 Gateway Center, Pittsburgh, Pa. 15222. Send protests to: John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 116077 (Sub-No. 290 TA), filed March 6, 1970. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous sulfamate solution*, in bulk, in stainless steel tank vehicles, from Austin, Tex., to E. I. duPont de Nemours and Co., Savannah River Plant, located 15 miles south of Aiken, S.C., for 190 days. Note: Applicant does not intend to tack with existing authority. Supporting shipper: Southwestern Analytical Chemicals, Inc. (Cecil H. Hale), Post Office Box 485, Austin, Tex. 78767. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 117165 (Sub-No. 30 TA), filed March 6, 1970. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, West Relief Highway U.S. 20, Michigan City, Ind. 46360. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common*

*carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Gaylord, Mich., to points in Indiana, Illinois, Ohio, and Wisconsin, for 180 days. Supporting shipper: U.S. Plywood-Champion Papers Inc., Knightsbridge, Hamilton, Ohio 45011. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 118263 (Sub-No. 25 TA), filed March 11, 1970. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing-houses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities utilized by Fischer Packing Co., Inc., at Louisville, Ky.; New Orleans, La.; Atlanta, Ga.; and points in Tennessee, North Carolina, and Virginia, for 180 days. Supporting shipper: Fischer Packing Co., Post Office Box 1138, Louisville, Ky. 40201. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 118959 (Sub-No. 80 TA), filed March 4, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products; materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery and institutional supplies industries*, when shipped in mixed loads with salt and salt products, from Weeks Island, La., to points in Alabama and Mississippi, for 180 days. Supporting shipper: Morton Salt Co., Post Office Box 11868, Northside, Atlanta, Ga. 30305. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 119406 (Sub-No. 4 TA), filed March 11, 1970. Applicant: ROBERT J. GRALL, 1402 Hamann Road, Manitowoc, Wis. 54220. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood skids*, from Lima Township, Sheboygan County, Wis., to Flint, Mich., for 180 days. Supporting shipper: Harvey Ongna, doing business as Ongna Wood Products, Route No. 3, Sheboygan Falls, Wis. 53085. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 119531 (Sub-No. 140 TA), filed March 11, 1970. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Raymond C. Minks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, and metal container parts and accessories used in connection with the distribution of metal containers, and metal container ends* when moving with metal containers, from Hamilton, Ohio, to Stuttgart, Ark., and *empty pallets*, on return, for 150 days. Supporting shipper: National Can Corp., 5959 South Cicero Avenue, Chicago, Ill. 60638. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 119546 (Sub-No. 1 TA), filed March 9, 1970. Applicant: CONTINENTAL TRUCK & TOWING CO., 1848 East 55th Street, Los Angeles, Calif. 90058. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Replacement vehicles for wrecked and/or disabled motor vehicles*, from points in Los Angeles and Orange Counties, Calif., to points in Nevada, Utah, Washington, Oregon, Montana, Idaho, Wyoming, Colorado, New Mexico, and Arizona, for 180 days. Supporting shippers: Ryder Truck Rental, 840 South Maple Street, Montebello, Calif. 90640; Milne Truck Lines, 2200 South Third West, Salt Lake City, Utah 84115. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 119599 (Sub-No. 2 TA), filed March 4, 1970. Applicant: HARSHMAN-INDUSTRIAL CARTAGE CO., INC., 1617 Warren Avenue, Niles, Ohio 44446. Applicant's representative: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated metal products and accessories*, from the plantsite and warehouse of United States Gypsum Co., at Warren, Ohio, to points in Delaware, Maryland, those in Pennsylvania in the counties of Berks, Bucks, Chester, Delaware, Lehigh, Monroe, Montgomery, Northampton, Pike, and Wayne, and the District of Columbia for 180 days. Supporting shipper: United States Gypsum Co., 101 South Wacker Drive, Chicago, Ill. 60606. Send protests to: G. J. Baceel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 119710 (Sub-No. 19 TA), filed March 6, 1970. Applicant: SHUPE BROS. CO., Post Office Box 929, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed* (except liquid bulk



in tank vehicles), from Guymon, Okla., to points in Kansas, Texas, and Colorado, restricted to services performed under contract with W. R. Grace & Co., for 150 days. Supporting shipper: W. R. Grace & Co. (Farr Better Feed Div.), Lucerne Colo. 80646. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 119895 (Sub-No. 22 TA), filed March 6, 1970. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packing-houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fremont, Nebr., to points in Iowa, for 150 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 119934 (Sub-No. 163 TA), filed March 6, 1970. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: J. F. Crouch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, in bulk, from Madison, Ind., to points in Indiana, Kentucky, Ohio, Illinois, Tennessee, Southern Peninsula of Michigan and Pennsylvania (on and west of U.S. Highway 219), for 180 days. Supporting shipper: Occidental Chemical Co., Feed Products Division, Progress Parkway, Maryland Heights, Mo. 63042. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 119988 (Sub-No. 31 TA), filed March 6, 1970. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 E., Post Office Box 1384, Lufkin, Tex. 75901. Applicant's representative: Kenneth Haskins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed, and feed ingredients* (except in tank vehicles), from Laurel, Miss., to points in Texas and Oklahoma; and from Brookhaven, Miss., to points in Arkansas, Oklahoma, and Texas, for 180 days. NOTE: Applicant does not intend to tack with its existing authority. Supporting shipper: J. Paul Smith Co. (Mr. B. G. Byas), 518 Fort Worth Club Building, Fort Worth, Tex. 76102. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 123233 (Sub-No. 29 TA), filed March 6, 1970. Applicant: PROVOST CARTAGE INC., 7887 Second Avenue, Ville d'Anjou 437, P.Q., Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glyoxal*, in bulk, in tank trailers, from Norfolk, Va., to the port of entry on the international boundary line between the United States and Canada, at or near Champlain, N.Y., restricted to traffic destined to points in Canada, for 150 days. Supporting shipper: Kingsley and Keith (Canada) Ltd., 310 Victoria Avenue, Post Office Box 140, Victoria Station, Montreal 215, P.Q., Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 124813 (Sub-No. 75 TA), filed March 9, 1970. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer materials*, from the plantsite and storage facilities of Missouri Farmers Association located in Marion County, Mo., to points in Illinois, Iowa, Minnesota, Nebraska, and South Dakota, for 150 days. Supporting shipper: Felco, 2827 Eighth Avenue South, Fort Dodge, Iowa 50501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 124835 (Sub-No. 8 TA) (Correction), filed March 2, 1970, published in the FEDERAL REGISTER issue of March 12, 1970, and republished in part, as corrected, this issue. Applicant: PRODUCERS TRANSPORT COMPANY, Post Office Box 4022, Chattanooga, Tenn. 37495. NOTE: The purpose of this partial republication is to include "West Virginia," which was omitted as a destination State in previous publication. The rest of the application remains as previously published.

No. MC 126472 (Sub-No. 5 TA), filed March 6, 1970. Applicant: WILLCOXSON TRANSPORT, INC., Post Office Box 16, Bloomfield, Iowa 52537. Applicant's representative: Thomas F. Kilroy, 405 South Crystal Plaza, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pull-type anhydrous ammonia nurse tanks, tanks, and component parts*, between points in Minnesota, Wisconsin, South Dakota, Nebraska, Kansas, Missouri, Indiana, Ohio, Kentucky, Mississippi, Alabama, Georgia, Michigan, Tennessee, Louisiana, and Arkansas, for 180 days. Supporting shipper: Chevron Chemical Co., Post Office Box 282, Fort Madison, Iowa 52627. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 128273 (Sub-No. 60 TA), filed March 9, 1970. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: Danny Ellis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Cloquet and Brainerd, Minn., to points in Alabama, Georgia, Florida, Mississippi, and Tennessee, for 180 days. Supporting shipper: Northwest Paper Co., Avenue C and Arch Streets, Cloquet, Minn. 55720. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 129645 (Sub-No. 16 TA), filed March 6, 1970. Applicants: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicants' representative: Basil J. Smeester (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibreboard, wood fibreboard faced or finished with decorative and protective materials, and accessories and supplies used in the installation thereof*, from the plant and warehouse sites of Evans Products Co. at Phillips, Wis., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and *commodities used in the manufacture of wood fibreboard and parts, materials and accessory items incidental to the installation thereof*, to plant and warehouse sites of Evans Products Co. at Phillips, Wis., from the above destination points, for 180 days. Supporting shipper: Lloyd F. Koth, resident manager, Evans Products Co., Phillips, Wis. 54555. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 225, Federal Building, Lansing, Mich. 48933.

No. MC 129876 (Sub-No. 2 TA), filed March 11, 1970. Applicant: ROBERT F. DU BOIS, doing business as DU BOIS TRUCKING, Post Office Box 502, Montpelier, Vt. 05602. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products (gasoline, kerosene and No. 2 fuel oil)*, from South Portland, Maine, to Berlin, Vt., for 150 days. Supporting shipper: B & R Oil Co., Inc., Post Office Box 537, Barre, Vt. 05641. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 129944 (Sub-No. 3 TA), filed March 6, 1970. Applicant: THREE-B

**FREIGHT SERVICE, INC.**, 3973 Riverside Drive, Chino, Calif. 91710. Applicant's representative: Milton W. Flack, 1813 Wilshire Boulevard, Suite 400, Los Angeles, Calif. 90057. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances and new household furnishings*, from points within California within the area bounded as follows: Beginning at U.S. Highway 66 and Grand Avenue, near Glendora, Calif., thence south on Grand Avenue to its intersection with U.S. Highway 60, thence east on U.S. Highway 60 to its intersection with California Highway 71, thence southeast on California Highway 71, to its intersection with California Highway 91, thence east on California Highway 91 to Hammer Avenue, in Corona, Calif., thence north on Hammer Avenue to River Road, thence north on River Road to Archibald Avenue, thence north on Archibald Avenue to U.S. Highway 66, thence west on U.S. Highway 66 to point of beginning; to Winterhaven, Calif., for 180 days. Note: Applicant intends to tack MC 129944 (Sub-No. 1). Supporting shipper: McMahan's Furniture Stores, Post Office Box 1011, Pomona, Calif. 91769. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129959 (Sub-No. 1 TA), filed March 6, 1970. Applicant: **SOUTHERN CRESCENT TERMINALS, INC.**, Post Office Box 3038, Huntsville, Ala. 35810. Applicant's representative: John W. Cooper, Suite 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Huntsville, and Redstone Arsenal, Ala., on the one hand, and, on the other, points within 150 miles of Huntsville, Ala., restricted to shipments having prior or subsequent movement in interstate commerce for 180 days. Supporting shipper: Military Traffic Management and Terminal Service, Washington, D.C. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 133000 (Sub-No. 4 TA), filed March 9, 1970. Applicant: **DIAMOND SAND & STONE CO.**, Post Office Box 4667, Jacksonville, Fla. 32201. Applicant's representative: Martin Sack, Jr., Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dolomite*, in bulk, from points in Taylor County, Fla., to Patmus, Leary, Colquitt, Rebecca, Ashburn, Coverdale, Pinehurst, Damascus, Leslie, Irwinville, Quitman, Vada, and Cordele, Ga., for 180 days. Supporting shipper: Dolime Minerals Co., Post Office Box 1441, Bartow, Fla. 33830. Send protests to: G. H. Fauss, Jr., Interstate

Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133000 (Sub-No. 5 TA), filed March 9, 1970. Applicant: **DIAMOND SAND & STONE CO.**, Post Office Box 4667, Jacksonville, Fla. 32201. Applicant's representative: Martin Sack, Jr., Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in dump vehicles, from the plants and warehouses of Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemical Corp., at Bainbridge, Ga., to the plants and warehouses of Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemical Corp., at Branford, Fla., for 180 days. Supporting shipper: Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemical Corp., Post Office Box 246, Savannah, Ga. 31402. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133191 (Sub-No. 1 TA), filed March 9, 1970. Applicant: **MERIDIAN TRUCKING COMPANY, INC.**, 913 C Street, Meridian, Miss. 39301. Applicant's representative: John A. Crawford, Petroleum Building, Jackson, Miss. 39201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), from Indian Oaks, Ill., to the site of the plant of Tucker Steel Division of U.S. Industries, Inc., at or near Meridian, Miss.; Restriction: Restricted to traffic moving under a continuing contract with Tucker Steel Division of U.S. Industries, Inc., for 180 days. Supporting shipper: Tucker Steel, Division of U.S. Industries, Inc., Post Office Box 231, Meridian, Miss. 39301. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 133614 (Sub-No. 1 TA), filed March 4, 1970. Applicant: **PAPPAS TRUCKING, INC.**, Post Office Box 8, Gering, Nebr. 69341. Applicant's representative: Charles Kimball, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery used in the planting, cultivation, care, harvesting, storing, grading, sacking, and warehousing of fruits, vegetables and berries; seed cutters; unassembled metal boxes; street cleaners; beach cleaners; and related parts, equipment, materials and supplies, used in connection with the above described commodities*, (1) from the plants and storage facilities utilized by Lockwood Corp., at or near Gering, Nebr., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Washington, Wyoming, and Oregon,

and (2) between Rupert, Idaho, Othello, Wash., Monte Vista, Colo., and Gering, Nebr., restricted to traffic originating at or destined to facilities utilized by Lockwood Corp., restricted to traffic moving for the account of Lockwood Corp., for 150 days. Supporting shipper: Lockwood Corp., Gering, Nebr. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 134131 (Sub-No. 1 TA), filed March 11, 1970. Applicant: **R & S TRANSIT, INC.**, Box 1254, Sedalia, Mo. 65301. Applicant's representative: Bill Bilyeu, Box 1254, Sedalia, Mo. 65301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and/or confectionery products, advertising matter, display racks and premiums*, from Ashley and Centralia, Ill., to points in Kansas, Colorado, Arizona, New Mexico, California, and Nevada, for 180 days. Supporting shipper: Hollywood Brands, Division of Consolidated Foods Corp., Centralia, Ill. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 134277 (Sub-No. 1 TA), filed March 11, 1970. Applicant: **BOYER TRUCKING COMPANY**, Post Office Box 566, Rawlins, Wyo. 82301. Applicant's representative: Marion Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages* from Denver, Colo. and Salt Lake City, Utah to points in Wyoming, for 150 days. Supporting shipper: Coca Cola Bottling Co. of Casper, 637 West Yellowstone Highway, Casper, Wyo. 82601. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 304 Lierd Building, 259 South Center Street, Casper, Wyo. 82601.

No. MC 134300 (Sub-No. 2 TA), filed March 11, 1970. Applicant: **PELHAM PRODUCE CARRIERS, INC.**, 649 Pelham Boulevard, St. Paul, Minn. 55114. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Fairmont, Worthington, and Winnebago, Minn., to points in Maine, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and District of Columbia, for 180 days. Supporting shipper: Stokely-Van Camp, Inc., Indianapolis, Ind. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 134336 (Sub-No. 1 TA), filed March 11, 1970. Applicant: **THOMAS C.**

BOWEN, doing business as BOWEN TRUCKING SERVICE, 1717 Lazelle, Sturgis, S. Dak. 57785. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Sturgis, S. Dak., to points in Nebraska, for 180 days. Supporting shipper: James U. Dickson, J. U. Dickson Sawmills, Box 269, Sturgis, S. Dak. 57785. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 134337 (Sub-No. 1 TA), filed March 9, 1970. Applicant: TRANSPORT AMEDEE CAYER, INC., C.P. 277, La Pocatiere (Kamouraska), Quebec, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles and parts therefor*, from ports of entry on the International Boundary line between the United States and Canada, to Yarmouth, Maine, Malone and New York, N.Y., Belvidere, N.J., Erie, Pa., Detroit, Mich., Forest Lake, Minn., Denver, Colo., Idaho Falls, Idaho, Portland, Oreg., and Palmer, Alaska, restricted to a transportation service to be performed under a continuing contract or contracts with Industries Bouchard, Inc., La Pocatiere (Kamouraska), Quebec, Canada, for 180 days. Supporting shipper: Industries Bouchard, Inc., La Pocatiere (Kamouraska), Quebec, Canada. Send protests to: Ross J. Seymour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 424 Federal Building, Concord, N.H. 03301.

No. MC 134341 (Sub-No. 1 TA), filed March 6, 1970. Applicant: CHARLES R. STROP, doing business as STROP TRANSPORTATION, Route 1, Hastings, Nebr. 68901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles, distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk; (1) from Hastings, Nebr., to Chicago, Ill.; Cincinnati, Ohio; Detroit, Mich.; Eau Claire and Milwaukee, Wis.; Minneapolis and St. Paul, Minn.; and (2) from Minden, Nebr., to Chicago, Du Quoin, and Rockford, Ill.; Covington, Ky.; Detroit, Mich.; Kansas City, Mo., and Kansas City, Kans., for 150 days. Supporting shippers: Minden Beef Co., Post Office Box 70, Minden, Nebr. 68959; Pawnee Packing Co., Box 971, Hastings, Nebr. 68901. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 134377 (Sub-No. 1 TA), filed March 11, 1970. Applicant: DAVID J. WINNING, 2288 Aiken Road, McKees Rocks, Pa. 15136. Applicant's representative: John A. Pillar, 2310 Grant Building,

Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except chemicals, in bulk, in tank vehicles), between Natruium, W. Va., and Robinson Township, Pa., for 180 days. Supporting shipper: Mobany Chemical Co., Penn. Lincoln Parkway West, Pittsburgh, Pa. 15205. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 134388 (Sub-No. 1 TA), filed March 11, 1970. Applicant: HENRY G. HARLOW, 4701 Silverwood Drive, Kettering, Dayton, Ohio 45429. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, complete, knocked down, or in sections, and component parts, materials, supplies, and fixtures used in the erection or assembly thereof*, from the plantsite of Ryan Homes, Inc., at Jamestown, Ohio to points in Jefferson County, Ky., for 180 days. Note: Application is for contract carrier authority, which prohibits tacking. Supporting shipper: Ryan Homes, Inc., Jamestown, Ohio 45335. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 134402 TA, filed March 12, 1970. Applicant: WILLIAMS TRUCK LINES, INC., Highway 71, Audubon, Iowa 50025. Applicant's representative: Fred S. Haeberle, Audubon, Iowa 50025. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portable- and permanent-type farm buildings*, from Exira, Iowa, to points in Kansas, Missouri, North Dakota, South Dakota, Oklahoma, and Texas, for 180 days. Supporting shipper: Kozy Manufacturing Co., Exira, Iowa (Tom J. Godwin, president). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-3443; Filed, Mar. 20, 1970;  
8:48 a.m.]

[Notice 512]

### MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 18, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to

section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71737. By order of March 16, 1970, the Motor Carrier Board approved the transfer to Honey Transport, Inc., Eustis, Fla., a portion of the operating rights in certificate No. MC-118263 (Sub-No. 1) issued August 28, 1969, to Coldway Carriers, Inc., Clarksville, Ind., authorizing the transportation of canned citrus products, canned juices, canned beverages, and canned beverage preparations, from the plantsite of Tropicana Products Sales, Inc., at Bradenton, Fla., to points in Kentucky, Ohio, Indiana, Michigan, Tennessee, West Virginia, Pennsylvania, Virginia, Maryland, and the District of Columbia, subject to certain restrictions. J. Edward Allen, Post Office Box 1086, Jacksonville, Fla. 32203, attorney for applicants.

No. MC-FC-71862. By order of March 16, 1970, the Motor Carrier Board approved the transfer of Produce Transport Service, Inc., Mahwah, N.J., of that portion of the operating rights in certificate No. MC-118851 issued September 6, 1966, to Key Express, Inc., Moosic, Pa., authorizing the transportation of bananas, from port facilities in New York and New Jersey within the New York, N.Y., harbor area, as defined by the Commission in Ex Parte No. 140, *Determination of the Limits of New York Harbor and Harbors Contiguous Thereto*, Philadelphia, Pa., and Baltimore, Md., to points in Cattaraugus and Chautauqua Counties, N.Y. Kenneth R. Davis, Registered Practitioner, 999 Union Street, Taylor, Pa. 18517, representative for applicants.

No. MC-FC-71879. By order of March 5, 1970, the Motor Carrier Board approved the transfer to Crawford Freight Lines, Inc., Aberdeen, S. Dak., of the operating rights in certificate No. MC-121510 (Sub-No. 1) issued March 17, 1970, to A. R. Crawford, doing business as Crawford Freight Line, Aberdeen, S. Dak., authorizing the transportation of general commodities, with usual exceptions, between Aberdeen, S. Dak., and Faith, S. Dak., via Mobridge and Timber Lake, serving various intermediate and off-route points. Chas. E. Gorsuch, Box 963, Aberdeen, S. Dak. 57401, attorney for applicants.

No. MC-FC-71970. By order of March 16, 1970, the Motor Carrier Board approved the transfer to Buff Transportation Corp., Irvington, N.J., of the operating rights in permit No. MC-125958 (Sub-No. 3) issued April 9, 1969, to Coastways Transportation, Inc., Mountain Lakes, N.J., authorizing the transportation of paint, except in bulk, from Irvington, N.J., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Louisiana, Maryland, Missouri, New York, North Carolina, Ohio, South Carolina, Texas, and Virginia, and clay, except in bulk, from points in Georgia to Irvington, N.J. George A. Olsen, 69



Tonnele Avenue, Jersey City, N.J. 07306, representative for applicants.

No. MC-FC-71982. By order of March 16, 1970, the Motor Carrier Board approved the transfer to Walter Dittenheimer, Springfield Gardens, Boulevard, Queens, N.Y., of the operating rights in

certificate No. MC-114556 issued November 9, 1954, to Louis Micco, Brooklyn, N.Y., authorizing the transportation of homing pigeons, from Brooklyn and Queens Boroughs, N.Y., to Wilmington, Del., Aberdeen, Md., Washington, D.C., Charlottesville and Danville, Va.; points

in New Jersey and those in that part of Pennsylvania east of the Susquehanna River. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicants.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-3441; Filed, Mar. 20, 1970;  
8:48 a.m.]

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